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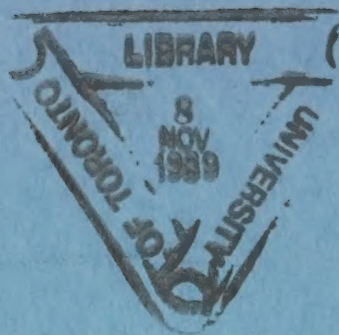
Volume No. **42**

Royal Commission on Crime,

Thursday June 28/62.

Pages 8799 — 9049.







6799

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Q. And you are a supervisor at
the Page-Hervey Company?

A. Page-Hervey Tubes Limited.

Q. And how many years have you
worked for that firm?

A. The past 30 years.

Q. And you have been in politics,
both Municipal and Provincial, over the years?

A. Yes, sir, about my 15th year.

Q. And what was your career in
Municipal politics?

A. Well, I started out in the



THURSDAY, JUNE 28th, 1962

---On resuming at 10:33 a.m.

THE COMMISSIONER: Mr. Wilson.

MR. WILSON: I will call Mr.
Morningstar.

ELLIS PRICE MORNINGSTAR, sworn:

EXAMINED BY MR. WILSON:

Q. You reside in Welland?

A. Yes, sir.

Q. And you are a supervisor at
the Page-Hersey Company?

A. Page-Hersey Tubes Limited.

Q. And how many years have you
worked for that firm?

A. The past 40 years.

Q. And you have been in politics,
both Municipal and Provincial, over the years?

A. Yes, sir, about my 29th year.

Q. And what was your career in
Municipal politics?

A. Well, I started out in the



MEMORANDUM

TO : THE DIRECTOR, FBI

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

RE: [Illegible]

1. SUMMARY

2. DETAILS

[Illegible]

[Illegible]

[Illegible]

3. ANALYSIS

[Illegible]

[Illegible]

4. CONCLUSIONS

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

5. RECOMMENDATIONS

[Illegible]



1 council, then from the council I was deputy - -

2 Q. Well, what council?

3 A. Crowland Township Council.

4 THE COMMISSIONER: What township?

5 A. Crowland.

6 MR. WILSON: Crowland.

7 THE WITNESS: C-r-o-w-l-a-n-d.

8 THE COMMISSIONER: Yes.

9 MR. WILSON: Yes.

10 THE WITNESS: Crowland Township
11 Council. I started out as councillor, 1932
12 or 1933, then deputy reeve, reeve of the township,
13 warden of the county in 1946, elected to the
14 Legislature in November, 1951.

15 Q. And you are still a member of
16 the Legislature, for what riding?

17 A. That is right, sir. Welland -
18 Welland Riding.

19 Q. Now, do you know a man named
20 Bert Nero?

21 A. Well, I did, sometime ago.

22 Q. Well, did you know his family?

23 A. I knew his father, yes.

24 I - he was a businessman in the City of Welland.

25 Q. What was the - -

26 A. I can't recall his - Mrs. Nero.
27 He had a grocery store, butcher shop - grocery
28 store.

29 Q. Yes.



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1 THE COMMISSIONER: This is the father?

2 A. That is right.

3 MR. WILSON: And how long have you
4 known the son, Bert Nero?

5 A. Well, for quite some time.
6 When I first met him, I - I believe it would be
7 back in 1941, '42. I do believe I met him in
8 the store there previous to that, but he had
9 operated a restaurant out in the Township of
10 Crowland, I believe around 1943-1944, for
11 some time, and I don't know how long he
12 operated the restaurant, I guess a year or so,
13 year and a half, something to that effect.

14 Q. Was he in your riding?

15 A. Yes, he would be, sir.

16 Q. Yes. And we have - you -
17 you write testimonials for people from time
18 to time, I take it?

19 A. Oh, yes. Sure I do.

20 Q. And when you write them, how
21 do you usually sign them?

22 A. 'Ellis P.Morningstar, M.P.P.
23 Welland.'

24 Q. And have - you have some of
25 your files there, I take it?

26 A. Well, I brought my briefcase
27 along. I thought I would go down to the
28 Legislature and do some work after.

29 Q. Well, can we have the briefcase
30



1 for the witness.

2 A. Do you want to see some of the - -

3 Q. Well, I would just like to
4 see a sample of how you say you write your
5 letters?

6 A. Well, I got several here on
7 uncompleted business, and on the uncompleted
8 correspondence I keep the files until - until the -
9 my request and that is finalized, you know.

10 Q. Yes. Well, now, just give
11 us one as a sample of the way in which you
12 write those letters, and how you sign them?

13 A. 'Ellis P. Morningstar, M.P.P.
14 Welland.'

15 Q. Well, now, I wonder - -

16 A. Pretty near all was that way.
17 All these yellow sheets is copies. E.P. , one is
18 there, E.P. Morningstar, M.P.P. Welland.

19 Q. Well, now, I wonder if we
20 could use this one as an example? We will have
21 a copy struck off and give it back to you. As
22 I say, I see it is a matter that is pending?

23 A. That is right.

24 Q. Would that have been a copy
25 of a letter that you wrote on Legislative Assembly
26 note paper?

27 A. Yes, oh, yes, it would be.

28 MR. MacKINNON: Is that dated 1954?

29 MR. WILSON: It is dated 1962.
30



1 MR. MACKINNON: Oh.

2 MR. WILSON: February 13th, 1962,
3 and my only reason for reference to it is signed
4 yours very truly, and then there is printed,
5 'Ellis P. Morningstar, M.P.P., Welland.'

6 A. There is some that should
7 be 1961.

8 Q. Well, have you changed your
9 method of signing these letters?

10 A. No.

11 Q. Over the last few years?

12 A. No, no, sir.

13 Q. Yes?

14 A. No, I haven't. There are
15 copies back in the Legislature, if you would
16 like to see them. We keep copies.

17 THE COMMISSIONER: You don't need a
18 copy of that letter?

19 MR. WILSON: No, I don't think we
20 need it, as long as we get the format. Now,
21 would you show the witness Exhibit 245, which
22 is a letter of December 6th, 1954, purporting to
23 be a copy of a letter signed by you and
24 addressed: 'To whom it may concern.'

25 A. Well, this here, sir, is - -
26 the name is printed, I would like - I would like
27 to see my signature before I could - - I don't - -
28 I can't recall ever giving a letter to Mr. Nero.

29 Q. You can't recall?



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1 A. I can't. When I seen it
2 yesterday in the paper, I tried to recall, and
3 I can't. I - - this has got 'Ellis Morningstar,
4 H.P.P.'.

5 Q. Well, this is just 'Ellis'
6 and not 'Ellis P.Morningstar'?

7 A. That is right, the 'Ellis'.

8 Q. Did you ever sign letters,
9 or have them typewritten in that fashion?

10 A. I can't recall. No, sir.
11 I can't. 'Ellis P.Morningstar', that would
12 be written in there and then I signed it
13 myself. You haven't got the original?

14 Q. No, the original is not
15 available. The evidence is the original of
16 this - of this copy, or of which this purports
17 to be a copy, was returned to people who were
18 charged in connection with the operation of a
19 social club in Cornwall?

20 A. Well, I certainly cannot
21 recollect giving a letter - a testimonial letter
22 like this.

23 Q. Well, did you ever have any
24 knowledge of the Port Colbourne Social Club in
25 Cornwall?

26 A. No. No, sir. No, never.

27 Q. Did anyone ever ask you for
28 any letter of recommendation for the operation
29 of any such club in Cornwall?
30



1. The first part of the report

2. The second part of the report

3. The third part of the report

4. The fourth part of the report

5. The fifth part of the report

6. The sixth part of the report

7. The seventh part of the report

8. The eighth part of the report

9. The ninth part of the report

10. The tenth part of the report

11. The eleventh part of the report

12. The twelfth part of the report

13. The thirteenth part of the report

14. The fourteenth part of the report

15. The fifteenth part of the report

16. The sixteenth part of the report

17. The seventeenth part of the report

18. The eighteenth part of the report

19. The nineteenth part of the report

20. The twentieth part of the report

21. The twenty-first part of the report

22. The twenty-second part of the report

23. The twenty-third part of the report

24. The twenty-fourth part of the report

25. The twenty-fifth part of the report

26. The twenty-sixth part of the report

27. The twenty-seventh part of the report

28. The twenty-eighth part of the report

29. The twenty-ninth part of the report

30. The thirtieth part of the report



1 A. No, no, sir. No one never
2 mentioned Cornwall to me.

3 Q. And in the - would you
4 have a copy of - of the letters you wrote in
5 1954 on your file at Queen's Park?

6 A. Well, I couldn't say, sir.
7 I might have, but I - I couldn't say. It is
8 doubtful back in 1954.

9 Q. Yes.

10 A. I usually keep them a year
11 or so, and after that business is completed,
12 then I destroy the copies, after a year or so.

13 Q. I see. Now, I see in the
14 first paragraph of Exhibit 245:

15 "This letter will serve to
16 "introduce the bearer, Mr. Bert
17 "Nero, formerly of the City of
18 "Welland, in the Province of Ontario."

19 Now, in 1954, to your knowledge, where
20 was Mr. Bert Nero residing?

21 A. I couldn't tell you. I think
22 he left the Township of Crowland, that is now
23 a part of the City of Welland, amalgamation a
24 year or so ago, a year ago, last January,
25 oh, I think he must have left the Township of
26 Crowland around 1944, 1945, I believe.

27 Q. And where did he go from there?

28 A. I couldn't tell you. I did
29 hear Niagara Falls, but I - I couldn't - I couldn't
30



RECEIVED

NOV 10 1910

DEPT OF AGRICULTURE

WASHINGTON

TO THE SECRETARY

FROM THE DIRECTOR

OF THE BUREAU

OF PLANT INDUSTRY

RE: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



1 verify that. I couldn't swear to that. I
2 heard that after he left the Township of Crowland.

3 Q. Well, now, in the next
4 paragraph, the first sentence says:

5 "I have had the pleasure of
6 "knowing Mr. Nero since his early
7 "boyhood and have watched him
8 "progress through the years with
9 "interest."

10 Now, is that a fact?

11 A. No, I can't recall that, sir.

12 THE COMMISSIONER: You can't recall
13 what?

14 A. No, that remembering him in
15 his boyhood days.

16 MR. WILSON: And the next sentence?

17 "He has worked for me in my
18 "election campaigns both in the
19 "Civic and Provincial elections - -"

20 Is that a fact?

21 A. I - not to my knowledge, sir.
22 He might have helped me out, but I - he is not
23 - he was not a key man. I never called on him.

24 Q. He was not one of your workers
25 the
26 in neither Civic nor Provincial field?

27 A. No, sir.

28 Q. And then it goes on to say:

29 "- - and I have found him to be
30 "industrious, intelligent and honest."

A/3

[illegible]



1 Is that a fact?

2 A. Well, he seemed like an
3 intelligent young lad, and I would say that for
4 him. Industrious? He would be a go-getter.
5 His Honesty? I never had anything - I never
6 had any dealings with him in any way.

7 Q. Yes?

8 A. I could not say he was
9 dishonest.

10 Q. Well, as of December, 1954,
11 have you any knowledge of any conviction against
12 this Bert Nero?

13 A. No, I haven't.

14 Q. And then it goes on to say:

15 "I do not hesitate to recommend him

16 "as a thoroughly capable and

17 "diligent assistant in any

18 "undertaking that he may deem fit

19 "to apply his many talents."

20 Now, what do you say about that?

21 That particular sentence? Is that your language?

22 A. No, it is not, sir. I write
23 out references for people, and it is not my
24 language. I don't think I have any samples
25 with me. I - -

26 Q. Well - -

27 A. I might have.

28 Q. Let's go on to the last
29 sentence:
30



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1 "I may also add that I know Mr.

2 "Nero's family quite intimately - - -"

3 Now, did you know Mr. Nero's family
4 quite intimately?

5 A I would say so. I knew the
6 father, as I say he was a businessman in the
7 City of Welland, and once in a while I used to
8 drop in his store, and then - now and then,
9 not frequently, perhaps once in a great while.

10 THE COMMISSIONER: Well, that
11 wouldn't mean an intimate acquaintance, would
12 it?

13 A. No, I wouldn't say so.
14 No.

15 THE COMMISSIONER: More or less sort
16 of casual?

17 A. That is right. Right, sir.

18 MR. WILSON: And then it concludes with
19 these words:

20 "- - - and I can say without
21 "further ado that I think he would
22 "be a benefit to the society to
23 "your community."

24 Now, is that - is that your language?

25 A. No, it is not, sir. No.

26 Q. What - what did you - did
27 you have any knowledge at any time that this man
28 Bert Nero was applying for a job as assistant
29 in some undertaking?
30

1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 26

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1 A No, sir.

2 Q Did you have any knowledge
3 of his activities after he left Crowland in 1944?

4 A No, sir, I - I don't.

5 Q Or what he was engaged in?

6 A No, I don't.

7 Q And do you know of this date
8 what his activities have been, since - since 1944?

9 A No, sir, I don't.

10 MR. WILSON: That is all, thank you.

11 MR. WILSON: Now, just a minute.

12 You will be cross-examined here for a moment.

13
14
15
16 EXAMINED BY MR. MacKINNON:

17
18 Q I should point out to you,
19 Mr. Morningstar, that this letter was apparently
20 written on Legislative Assembly letterhead. I
21 take it that is what you use when you do write
22 letters of recommendation?

23 A That is right. Usually, yes,
24 I do.

25 Q And that is only available,
26 I take it, to members of the Legislature?

27 A Well, I wouldn't say so.
28 They have spare - or shall we say that paper,
29 you know, - the paper is available at the members'
30 room.



1 Q. Yes, in the members' room?

2 A. Yes.

3 Q. But I couldn't go up and get
4 some for myself, could I?

5 A. No, but it is available, sir.

6 Q. But it is not available to
7 someone like me, that is not a member?

8 A. Yes, you could pick up some
9 sheets, if you would like to.

10 THE COMMISSIONER: Where?

11 MR. MacKINNON: Where?

12 A. At the - in the Legislature,
13 in the members' room, or in the different offices.
14 There is visitors come in with the members at
15 different times.

16 Q. Where would they pick it up?

17 A. It is - it is available there,
18 it is used for the members.

19 Q. Yes, I know it is for the
20 members.

21 A. If you want to make a note, or
22 anything, the letters is there, the papers, the
23 stationery.

24 Q. It is regular letterhead?

25 A. Stationery.

26 Q. It is regular stationery?

27 A. That is right.

28 THE COMMISSIONER: Well, where is it
29 there? Filed upon a table, or something?

30



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1 A Yes, in the -- in the members'
2 room, your Honour, there is a large table, and
3 there is chairs all around it, and different
4 places, and members will sit down. There is -
5 there is the stationery there, and the envelopes,
6 and the yellow envelopes or white envelopes.
7 If they want to send a letter out, they use
8 the white envelope; and if it is just another
9 department, it is the yellow envelope, but there
10 is - it is always available there.

11 MR. MACKINNON: Mr. Morningstar,
12 doesn't the door have a sign on it "Members
13 only"?

14 A. Yes.

15 Q And aren't there guards
16 around?

17 A. Attendants, yes.

18 Q. Yes, to ensure that members only -

19 A. Yes, but it don't work that
20 way.

21 THE COMMISSIONER: I suppose members
22 take visitors in?

23 A. That is right. That is right.
24 Lots of time they have those there, and that,
25 and there is a line up going in the Lieutenant
26 Governor's residence.

27 THE COMMISSIONER: The public don't
28 wander in by themselves, do they?

29 A. Well, they do it. There is
30 times, sometimes they have their doors locked,

[illegible]



A/4
1 they have the members' room, and then they
2 have a caucus room, where the members have their
3 caucus, offices in there, and there is always
4 stationery available too, and it is very
5 possible to go and open the door, if it is
6 not locked. We get people wandering around
7 in there, and we have to lock the door, and
8 close us in the caucus room.

9 MR. MACKINNON: Well, in any event,
10 this letter is written on Legislative Assembly
11 letterhead, and it concerns the City of
12 Welland, and I take it that is in your writing,
13 is it?

14 A. That is right, sir.

15 Q. Yes, and I take it also
16 that you at least did know Mr. Bert Hero?

17 A. Yes, I did.

18 Q. And were you Reeve - did you
19 cease to be reeve, or have any municipal
20 position, after you were elected to the Legislature?

21 A. No, sir, no. The election
22 was November, 1951, and of course I would be reeve
23 to the end of the year, that year, December.

24 Q. I see. You were not reeve
25 in 1954 or 1955?

26 A. No, sir, no.

27 Q. Do you have a brother in
28 Crowland Township, or in Bertie Township?

29 A. Oh, no. Cousins, relatives,
30



They have been in the same way for some time.

There is a certain amount of work in the same way.

There is a certain amount of work in the same way.

There is a certain amount of work in the same way.

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There is a certain amount of work in the same way.

There is a certain amount of work in the same way.



1 and then there is numerous Morningstars over
2 there.

3 Q. Well, is there a Ray
4 Morningstar, who is a reeve?

5 A. Roy.

6 Q. Roy?

7 A. Roy Morningstar.

8 Q. Who is the reeve of?

9 A. Who is the Reeve of Bertie
10 Township.

11 Q. Of Bertie Township?

12 A. And warden of the county.
13 He was also warden, Horace Morningstar.

14 Q. Then, returning to this letter,
15 we have heard that in 1953, this Bert Nero was
16 convicted of a gaming offence, apparently, and
17 now this morning I have been advised that on -
18 in 1945, the same Bert Nero was convicted of
19 selling liquor illegally, and sentenced to
20 three months in jail, and on May 10th, 1950,
21 he was convicted of being found in a gaming
22 house, contrary to Section 228 of the old Code.
23 Then, I - I take it you said that you knew him -
24 first of all, you said you kn_{ew} his father
25 intimately, and then you said later you knew
26 him casually?

27 A. Casually, I would say, yes.

28 Q. Did you know him -- was he
29 a known bootlegger in the community?
30



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1 A. I couldn't tell you, no.
2 Not to my knowledge.

3 Q. You didn't know him that well?

4 A. No, sir.

5 THE COMMISSIONER: Did you know Bert
6 any better than you knew his father?

7 A. I would not say so, your
8 Honour. I got to know Bert when he operated
9 this restaurant in the Township of Crowland.
10 Previous to that I did see him in the store
11 a couple of times, now and then, but didn't
12 - was not intimately acquainted with him.

13 THE COMMISSIONER: Well, did you ever
14 become intimately acquainted with him?

15 A. No, no. No, sir.

16 MR. MacKINNON: Q. Well, now, were
17 you familiar with the Port Colbourne Social
18 Club, when it operated in Crowland Township?

19 A. No, sir. I do know that
20 it
21 there was - and operated there for a short time.

22 Q. Do you know where it had
23 operated in Crowland Township?

24 A. On - on Steele Street.

25 Q. That is right. And do you
26 know where it went when it left - -

27 A. No, sir.

28 Q. - - Crowland Township?

29 A. I don't know.

30 Q. Did you have a municipal



Q. Now, you said you didn't know him?

A.

Q. Did you know him at that time?

A.

Q. You didn't know him at that time?

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Q. Did you know him at that time?



1 position at the time it operated in Crowland
2 Township?

3 A. Yes.

4 Q. And what were you?

5 A. Yes, sir, I would.

6 Q. Were you Reeve then?

7 A. Yes, I was Reeve.

8 Q. Were you ever approached by
9 the police with regard to operations of this
10 club?

11 A. No, sir.

12 Q. Were you ever approached by the
13 operators of this club?

14 A. No, sir.

15 Q. Did you know that it was
16 suspected of being a gaming and betting house?

17 A. No, sir.

18 Q. That did not come to your
19 knowledge as reeve?

20 A. No, sir.

21 Q. Do you know why it left the
22 Township?

23 A. No, sir, I don't.

24 Q. And I take it you didn't - you
25 don't know where it went?

26 A. No, sir, I don't.

27 Q. I should point out to you
28 that Mr. Wilson was asking you about Cornwall,
29 but this letter is not addressed to anyone in
30



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DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

LABORATORY OF PHYSICAL CHEMISTRY

CHICAGO, ILLINOIS

1925

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LABORATORY FOR THE YEAR 1925

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REPORT OF THE PHYSICAL CHEMISTRY

LABORATORY



1 Cormall, it was just addressed, 'to whom it
2 may concern.' It was a general letter.

3 Now, I take it you were referring to this
4 statement in the letter, that Bert Nero has
5 worked for you in your election campaigns,
6 both in the civic and provincial elections
7 and you stated that you didn't know that he had,
8 but I take it that if it can be established,
9 that he did work, you wouldn't deny that?

10 A. I couldn't, no.

11 Q. No.

12 A. I have a lot of supporters,
13 and I heard that he was one of them.

14 Q. You have heard that he was
15 one of your supporters?

16 A. I heard that.

17 Q. I see.

18 A. That knowing the family - - -

19 Q. It might be?

20 THE COMMISSIONER: That is Bert Nero?

21 MR. MacKINNON: Yes.

22 A. Yes. It is some time ago.
23 I - and I say he was not there too long.

24 MR. MacKINNON: Q. Do you know
25 whether he made any financial contributions
26 to your campaigns?

27 A. No, sir, he didn't. No, sir.

28 Q. You don't know or he didn't?

29 A. He didn't.
30



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1 Q. I take it you sometimes
2 sign your letters 'E.P.Morningstar' as well?

3 A. 'E.P.Morningstar, M.P.P.,
4 Welland', as the copies show here.

5 Q. As well as signing it
6 'Ellis P.Morningstar'?

7 A. 'Ellis P.Morningstar', that
8 is right, sir.

9 Q. Well, now do I understand
10 your evidence to be that it is possible that you
11 did sign this letter, but you just can't
12 remember about it?

13 A. I can't recall. I can't
14 recall this particularly, and I saw this in the
15 Mail and Globe yesterday. I have been thinking
16 about it ever since, and I can't recall.

17 Q. But you say - -

18 A. If I had have seen my
19 original name there signed, my signed name,
20 it would have been different, and 'Ellis
21 Morningstar, M.P.P.', it doesn't say Welland,
22 or where. It has got Toronto here, dated
23 Toronto, and the copies here, several copies,
24 if you would like to see them, where I signed
25 my name.

26 Q. I take it that on December
27 6th, 1954, the Legislative assembly would be
28 sitting, would it?

29 A. I - I wouldn't know. I - -
30



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1 Q. You could find that out
2 for me?

3 A. Usually in January, and -
4 the last week in January, first week in February.

5 Q. I see. Well, I am sure we
6 can find that out from Hansard, in any event;
7 but in any event it is your evidence that if
8 you did write this letter, you knew nothing
9 detrimental about Bert Mero at that time,
10 despite his record?

11 A. That is right, sir.

12 Q. You - are you telling us his
13 reputation was a good one in the community?

14 A. Well, not - I did - I
15 couldn't say anything different, the same as
16 his father. You mentioned he was a bootlegger,
17 and I couldn't say he was. I couldn't say
18 that.

19 Q. You were a politician in this
20 area, and knew people well, you knew what was
21 going on, didn't you?

22 A. I didn't - I didn't pry
23 in their private business in any way, no.

24

25

26

27

(Page 8825 follows)

28

29

30



And you'll find that

the way

is the way to go

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MR. MacKINNON: Q. It is not a case of prying into things but you would know what people's reputations are generally.

A. You would hear probably the same thing about my reputation. It isn't what it should be and probably no one else's is.

Q. But you haven't any criminal convictions?

A. No, sir.

Q. I take it this man had at least three criminal convictions from information we have received now, prior to 1954. There was the liquor conviction, the first one, and then two found-in cases but you say you still really don't know anything detrimental about him, and he had a good reputation as far as you were aware?

A. He was convicted of bootlegging and got three months.

Q. You recall that?

A. Yes.

Q. Now that you have thought about it, can you recall his convictions for gaming offences?

A. No, sir, I cannot.

Q. Do you know Anton or Frank Delotta?

A. No.

VOLUME 1



1 Q. You never met a man of that
2 name?

3 A. No, sir, I didn't.

4 Q. You never heard of any
5 association between the Nero family and the
6 Delottas?

7 A. No.

8 Q. Did Mr. Jolley ever speak to
9 you -- You know him?

10 A. Yes.

11 Q. Did he ever speak to you about
12 having the Frontier Club located in Crowland
13 Township?

14 A. No, sir.

15 Q. Did you have any discussion
16 with him about the Frontier Club?

17 A. No, sir.

18 Q. Did anyone ever speak to you
19 about the Frontier Club?

20 A. No, sir.

21 Q. Any lawyer?

22 A. No, sir.

23 Q. Is Crowland Township cheek
24 by jawl to Bertie Township?

25 A. No, sir, Humberstone Township
26 would be between Crowland and Bertie, or
27 maybe it is Willoughby.

28 Q. Bertie Township had its own
29 police force in 1958?

30 A. Yes.



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1 Q. Did Crowland Township have its
2 own police force?

3 A. Yes, sir.

4 Q. In 1958?

5 A. Yes.

6 Q. Are you sure?

7 A. Yes, we always had one until
8 the amalgamation.

9 Q. Now you are in the city, you
10 say?

11 A. Yes.

12 Q. I was just wondering why you
13 feel the last sentence in the letter, Exhibit
14 245, this letter, might not be your language?

15 THE COMMISSIONER: I do not think
16 he confined it to the last sentence. Were
17 you confining it to the last sentence?

18 A. No, sir, to the whole letter,
19 the composure of the letter.

20 Q. The whole letter?

21 A. Yes, sir.

22 MR. WILSON: Is it "composure", or do
23 you mean "composition"?

24 THE WITNESS: Composition.

25 MR. WILSON: I have no questions;
26 that is all, thank you.

27 THE WITNESS: I may say, sir, I am
28 very pleased to have been called before you
29 to get this situation clarified.

30 ---The witness withdrew.



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1 JOHN FRANCIS CRONIN, recalled

2
3 THE COMMISSIONER: You are still
4 under oath.

5 A. Yes, sir.

6
7
8
9 EXAMINED BY MR. WILSON:

10 Q. Now, yesterday we were talking
11 about the various meetings you had with
12 Joseph McDermott and Vincent Feeley and
13 Wright after you were served with your
14 subpoena in March, 1962. I just want to
15 see if I can get the order of these various
16 meetings. I gather the first one where
17 you saw McDermott alone was shortly after
18 you were served with the subpoena the first
19 time you came home from Kingston.

20 THE COMMISSIONER: Is that right?

21 THE WITNESS: I don't recall meeting
22 McDermott alone, sir.

23 MR. WILSON: Q. Well, yesterday
24 in your evidence at page 8770 you were asked
25 9th vol
26 how long after the March you saw McDermott
27 and you said "it was the first time I was home."
28 Your answer reads this way at page 8770,
29 line 17:

30 "A. It would be the first time

"I was home. The subpoena was



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1 "served on me at Kingston and

2 "I came home. That was the

3 "9th of March and I would go

4 "back home on the 11th of March

5 "and it would be one or two

6 "days after that."

7 Q. Now, do you want to change that
8 story today?

9 A. No, I do not. I wouldn't
10 be sure of the date, the 11th.

11 Q. That is your own evidence,
12 do you want to change it? You have sworn
13 to it.

14 A. No, I do not, I wouldn't be
15 sure of the date, the 11th. If I said
16 the 11th, it would be approximately the 11th,
17 or two or three days after the 9th, but I
18 don't recall meeting McDermott alone.

19 Q. At this first meeting after
20 you were served with a subpoena you went
21 to his house?

22 THE COMMISSIONER: Q. Is that right?

23 A. I don't recall that, Mr. Reach.

24 Q. Where was your first meeting
25 with him after you got the subpoena?

26 A. I couldn't tell you, sir.

27 Q. Do you remember having a
28 meeting with him?

29 A. Yes.

30 Q. If you remember having a meeting

[illegible]



1 with him, you must surely remember where
2 it was.

3 A. No, I don't, Mr. Roach. I
4 couldn't specifically say which was the
5 first meeting.

6 MR. WILSON: Q. You have already
7 sworn a few days after you got back from
8 Kingston, your first trip back after the
9 service of the subpoena you went to his
10 residence.

11 A. Oh, no, sir.

12 THE COMMISSIONER: I didn't understand
13 it that way.

14 MR. WILSON: Mr. Commissioner, I am
15 in error on that.

16 Q. But you have sworn, and I
17 have just read it to you, that you did see
18 him one or two days after the 11th of March?

19 A. That is right.

20 THE COMMISSIONER: Q. If you did
21 see him one or two days after the 11th of
22 March, where did you see him?

23 A. I assume that was the meeting
24 downtown.

25 Q. Why do you assume that?

26 A. I know I had a discussion
27 with him about having the subpoena and I
28 know it was shortly after coming back to
29 Toronto and I assume we went downtown.

30 Q. Where?

[illegible]



1 A. To either one of the hotels,
2 I can't say which, but I assume it was the
3 Royal York, sir.

4 Q. Where did you telephone him?

5 A. I would telephone him at his
6 home.

7 Q. From your residence?

8 A. Yes.

9 Q. You only lived about a block
10 apart?

11 A. Yes.

12 Q. How does he address you, by
13 "Jack" or "John" or what? How are you
14 known to your friends, by John or Jack?

15 A. John and Jack.

16 Q. I assume he would have said,
17 "Hello, Jack"?

18 A. I think he calls me John.

19 Q. Why don't you assume he did
20 the reasonable thing and invited you to
21 his house?

22 A. I don't deny that.

23 Q. Do you remember it?

24 A. I don't remember what the
25 circumstances were, but I assume I phoned
26 him when I came home.

27 Q. At page 8770:

28 "Q. You phoned McDermott?

29 "A. I don't know. I assume

30 "I phoned him, or walked over."

[illegible]



1 Q. That is within a day or two
2 of March 11th; do you want to change that
3 today?

4 A. I think that would be a
5 reasonable assumption.

6 MR. WILSON: Q. Do you want to tell
7 us now you saw him downtown, or you want
8 to see him at his home or the conversation
9 took place on the telephone?

10 A. I would say both.

11 Q. You can hardly have both out
12 of that.

13 A. I would assume I phoned him
14 when I came home and I assume we arranged
15 to meet, whether it was the next day or
16 not I don't know.

17 Q. Where are you now saying that
18 first meeting took place?

19 A. I can't say.

20 Q. You have no idea?

21 A. I have some idea but I don't
22 know whether it was at the Royal York. I
23 assume it would be the Royal York.

24 Q. Did anybody suggest to you
25 it would be a good idea to be evasive?

26 A. No, sir.

27 Q. That is your own idea?

28 A. No, sir, I am not. I am not
29 sure where that first meeting was.

30 Q. Have you talked to Feeley or

[illegible]

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• 1997 年 8 月 20 日 星期一

It will be a good thing to see it.

[Faint, illegible markings]

[illegible]



1 McDermott since yesterday?

2 A. I went to bed last night.

3 THE COMMISSIONER: No, no, that isn't
4 the question. The question was, have you
5 talked to Feeley or McDermott last night?

6 A. No, sir.

7 Q. Are you sure?

8 A. Yes.

9 Q. Are you positive?

10 A. I am absolutely positive I
11 didn't talk to either of them, directly or
12 indirectly.

13 MR. WILSON: Q. Did you talk to
14 any of their lawyers?

15 A. No, sir.

16 Q. Why did you take so long to
17 answer that question, whether you had talked
18 to Feeley and McDermott last night? Why
19 did you think about it so long?

20 A. I don't recall thinking about
21 it long.

22 THE COMMISSIONER: Well, you did.

23 A. Mr. Roach, I spoke to nobody.
24 If you want to know what I did, I took
25 the phone off the hook so nobody could phone
26 me.

27 MR. WILSON: Q. What about this morning?

28 A. I haven't spoken to anybody
29 this morning except that gentleman sitting
30 there in the court.

[illegible]



1 Q. At this first meeting, who
2 was present? Apart from McDermott?

3 A. Feeley.

4 Q. That is the meeting where you
5 had the discussion about Dewsbury ointment?

6 A. Yes.

7 Q. And that meeting lasted how
8 long?

9 THE COMMISSIONER: Q. Approximately
10 how long?

11 A. Mr. Roach, if it was in the
12 Royal York, I would say an hour. I certainly
13 wasn't there all the time. As I recall
14 it, I got there at possibly one o'clock
15 or maybe two o'clock and I left before
16 five o'clock. Someone was there for
17 two or three hours but I wasn't there all
18 the time.

19 MR. WILSON: Q. Where was it in
20 the Royal York?

21 A. I think there are two coffee
22 shops and at first we sat on the counter.

23 THE COMMISSIONER:

24 Q. What?

25 A. I mean, at the counter stools.
26 When I came back - I had left for a while -
27 and when I came back McDermott and Feeley
28 had moved into the booth section.

29 MR. WILSON: Q. Where did you go?
30 You say you arrived at about one o'clock?

A. Yes.

1940



1 Q. In the coffee shop?

2 A. Yes, sir.

3 Q. Do you remember that?

4 A. Yes, sir. It may have been
5 in the lobby - it would be in the lobby
6 because I didn't know where the coffee
7 shop was.

8 Q. Is it fair to assume you were
9 there for some time?

10 A. Yes, I was.

11 Q. How long?

12 A. Three-quarters of an hour.

13 Q. Then you left?

14 A. Yes.

15 Q. Intending to return?

16 A. Yes.

17 Q. Where did you go?

18 A. I went down to the Union Station,
19 which wouldn't be too far from there, and
20 then I went over to Bay Street to locate
21 the bank where the deposit was made.

22 Q. What deposit?

23 A. For them importers. I just
24 kind of walked around.

25 Q. You were just walking around
26 for exercise?

27 A. I do walk quite a bit.

28 Q. Just for exercise?

29 A. I walked to Bay Street.

30 Q. You left McDermott and Feeley



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1 for the specific purpose of getting certain
2 information and coming back to them?

3 A. Yes, that would be so.

4 Q. And where were the places you
5 went?

6 A. I had no reason to walk to
7 the Station, I just walked through Union
8 Station.

9 Q. You walked through?

10 A. Yes, that is right.

11 Q. Union Station has some
12 attraction for you? I don't care what it is
13 at the moment, but you left McDermott and
14 Feeley to get some information and come
15 back and give it to them?

16 A. Yes.

17 Q. The information you needed was
18 where?

19 A. Where the bank was on Bay
20 Street.

21 Q. Why wouldn't you go directly
22 to the bank instead of wandering around
23 Union Station?

24 A. I can't say why I did. I
25 was in no hurry to get back.

26 Q. They were waiting for you?

27 A. No, they were not, they had
28 other appointments. I didn't have lunch
29 with them. I think they were having lunch
30 with somebody.



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1 Q. What time did you get there?

2 A. I think it would be one
3 o'clock.

4 Q. They would have their lunch
5 before that?

6 A. No, sir.

7 Q. They didn't have lunch after
8 you arrived?

9 A. Yes, as a matter of fact, they
10 ordered lunch as I was leaving.

11 Q. To go up to their room?

12 A. No, in the coffee shop.

13 Q. Did you have lunch?

14 A. I had coffee.

15 Q. With them?

16 A. Actually I had coffee first.

17 The first thing the girl done was to bring
18 the coffee and take their orders and then
19 I left.

20 Q. You left for the purpose of
21 getting some information and coming back
22 and conveying it to them?

23 A. For my own information.

24 Q. What I can't understand is this,
25 why you wouldn't go from ^{where you were to} the place where
26 the information was instead of taking some
27 exercise and walking around Union Station.

28 A. I walk all the time.

29 Q. Not all the time in Union
30 Station?



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1 A. I often go to the Union Station.

2 Q. Anyway, that is what you did?

3 A. Yes.

4 Q. Were you being followed that
5 day?

6 A. No, sir.

7 THE COMMISSIONER: Q. You don't
8 know whether you were or not?

9 A. I assume I wasn't.

10 MR. WILSON: Q. Did you come back
11 and meet McDermott and Feeley again later
12 on in the day?

13 A. Yes.

14 Q. Whereabouts was the meeting?

15 A. At the Royal York.

16 Q. At the same place, in the
17 coffee shop?

18 A. Yes.

19 Q. How long after you left them
20 was that; how long were you away?

21 A. I would think about three-
22 quarters of an hour.

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Q. And then you came back and met them again in the coffee shop. And you talked with them for how long?

A. Well, I left, I think, sir near five o'clock.

THE COMMISSIONER: Mr. Wilson, I would like to know where he says he was in the meantime.

MR. WILSON: Q. Where did you say you went after you left them for the first time?

THE COMMISSIONER: Besides the Union Station.

MR. WILSON: Q. After the Union Station.

A. Over at the bank.

Q. What bank?

A. The bank ---

Q. You know what bank you went to, if you went to a bank.

A. The Barclay, the Bank of Barclay on Bay Street, below Adelaide Street.

Q. Barclay's Bank?

A. Barclay's Bank, that is right, sir.

Q. Barclay's Bank still in operation?

A. Yes, it is, sir.

MR. MACKINNON: It has been taken over.

THE COMMISSIONER: Just a moment, please. You walked around the Union Station, how long would you be there, do you think?

A. I would be there -- I went to the bathroom there, sir, and I don't think



1 I would be there over twenty minutes.

2 Not twenty minutes, maybe fifteen minutes.

3 Q. And then where did you say
4 you went?

5 A. Well, I am not going to be
6 specific about this, Mr. Roach, but as I
7 recall it I went to the bank from there.

8 MR. WILSON: Q. Now, what did you
9 do when you went to the bank?

10 A. I can't say that is the day
11 I went in there or not, but I certainly
12 went in and I identified myself and asked
13 about the balance, and so on.

14 Q. Of what?

15 A. Of the account.

16 Q. What account?

17 A. Pan Importers.

18 Q. What?

19 A. Pan Importers.

20 Q. And what did you find was
21 the balance?

22 A. Four hundred and some dollars.

23 Q. And who did you speak to in
24 the bank?

25 A. I couldn't say, sir.

26 Q. Was that all the business
27 you transacted in the bank?

28 A. That is right, sir, except to
29 make a note when the thing was opened and
30 when it was closed.



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1 Q. When you left there where did
2 you go?

3 THE COMMISSIONER: Now, Barclay's
4 Bank is on what street?

5 A. On Bay Street, on the west
6 side, below Adelaide Street.

7 THE COMMISSIONER: All right.

8 MR. WILSON: Q. Where did you go from
9 there?

10 A. I would assume that I went
11 back to the hotel.

12 Q. Don't assume, tell us where
13 you went.

14 A. I can't -- I think I went
15 right back to the hotel. I couldn't
16 be definite. I think I went back to the
17 hotel. If I went anywhere it would not be
18 any place of wrongdoing. I might have
19 dropped into a restaurant or cigar store.
20 I don't think so, but if I did it meant
21 nothing.

22 Q. And the whole period you
23 were away from the Royal York was about
24 three-quarters of an hour?

25 A. I think so.

26 Q. And you rejoined McDermott
27 and Feeley in the coffee shop of the Royal
28 York?

29 A. That is right, sir.

30 Q. And you talked with them how





1 long?

2 A. I didn't do much talking.

3 Q. I am not asking you whether
4 you did the talking. How long were you there?

5 A. I think I was there until near
6 five o'clock.

7 Q. You met them first at one o'clock.
8 And then what time did you leave them for this
9 trip to the Union Station and the bank?

10 A. I wouldn't say it was one
11 o'clock.

12 Q. You told us a moment ago it was
13 one o'clock.

14 A. And I said it might be two
15 o'clock.

16 Q. Approximately one o'clock.

17 A. And it might have been two
18 o'clock.

19 Q. Between the time of approximately
20 one and five you were away for three-quarters
21 of an hour, and you returned and talked to
22 McDermott and Feeley?

23 A. No, I didn't talk to McDermott
24 and Feeley.

25 Q. Or listened to them talking
26 to you.

27 A. No, I listened to them talk.

28 THE COMMISSIONER: Q. Who were they
29 talking to?

30 A. To each other. And Wright



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1 was there.

2 Q. And Wright was there?

3 A. Yes.

4 MR. WILSON: Q. When did Wright turn
5 up at this conference?

6 A. I don't know, he was there
7 when I came back.

8 Q. Oh, you know.

9 A. No, I don't.

10 THE COMMISSIONER: Was he there when
11 you arrived?

12 A. At one o'clock?

13 Q. At one o'clock.

14 A. No, he was not.

15 Q. When did he arrive?

16 A. He was there when I came back.

17 Q. From the bank?

18 A. Yes. Mr. Roach, I am not
19 saying that was the day I went into the bank.
20 I don't know whether that is the day I went
21 into the bank, but I identified the bank.

22 MR. WILSON: Q. You better search your
23 memory, you are under oath.

24 A. Right, sir.

25 Q. Was it decided when you went
26 to meet McDermott and Feeley that they had
27 better bring Wright in?

28 A. It was no decision of mine, that
29 is sure.

30 Q. I am not saying it was your



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1 decision, was it decided before you went to
2 the bank they better get Wright in for a
3 conference?

4 A. Not that I had decided to get
5 Wright. I knew he was coming in, or supposed
6 to come.

7 THE COMMISSIONER: When did you know
8 that?

9 A. When I was there the first time.

10 Q. Who told you that?

11 A. McDermott and Feeley.

12 MR. WILSON: Q. And what were they
13 going to get him in for?

14 A. They were discussing the trial,
15 not this here thing, not this Commission.
16 They were discussing the trial.

17 Q. But you have told us that
18 this contacting McDermott and meeting him
19 right after you got the subpoena was because
20 you got a subpoena to be a witness before
21 this Commission.

22 A. Right, sir.

23 Q. Are you now suggesting that
24 the discussion you had with them on that
25 occasion had to do with the trial and not
26 with this Commission?

27 A. I would say it had to do with
28 both, sir.

29 Q. Now, what was the discussion
30 with Wright, what was being discussed between



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1 you?

2 A. Actually, the only thing
3 I discussed with Wright was his visit to
4 my motel. That is the only thing that I
5 discussed with Wright.

6 Q. Now, what did you have to
7 say about his visit to you?

8 A. Well, that I wasn't sure of
9 the date.

10 Q. Yes?

11 A. And that ---

12 Q. What was your best recollection
13 that day as to the date?

14 A. The day, the occasion that
15 Wright that -- or Wright approached me at
16 the motel and discussed the investigation,
17 or whatever you want to call it, what he
18 was conducting, was shortly after he was
19 transferred, sir, and would be some time
20 in January.

21 Q. Shortly after he was transferred.
22 That would be early in January of 1960?

23 A. Well, I wouldn't say early,
24 sir, but it was in January.

25 Q. Now, what did you tell Wright,
26 or your recollection of what he had said to
27 you when he visited you at Kingston?

28 THE COMMISSIONER: Hurry up.

29 A. My recollection what he said
30 to me or I said to him?



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1 MR. WILSON: Q. You were to get
2 your story straightened out. What did you
3 tell him your recollection was on what he
4 said to you when he came to Kingston?

5 A. That he was transferred,
6 that he didn't know why he was transferred.
7 He wasn't satisfied with his transfer, and
8 he felt there was something wrong with the
9 Branch, and they wanted him out of there.
10 That is the way he started to talk to me.
11 And that he felt the reason he was being
12 transferred was because he had worked too
13 hard trying to close down the gambling
14 establishments, and there was somebody
15 dishonest in the Branch. And because he
16 had made it known that he didn't trust two
17 or three people higher up he was transferred.

18 Q. And did he tell you who he
19 didn't trust?

20 A. I don't think he named any
21 specific person, sir.

22 Q. What did he want you to do?

23 A. He asked my advice.
24 Actually, he asked me, he asked to borrow
25 two thousand from me. He used the word
26 "extend".

27 THE COMMISSIONER: Used what?

28 A. Extend. He wanted to know
29 if I would extend him \$2,000 to conduct the
30 investigation. That is exactly what he said



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1 to me.

2 MR. WILSON: Q. What was he going
3 to investigate?

4 A. He was going to investigate
5 a particular officer, Scott.

6 Q. He was going to investigate
7 Constable Scott?

8 A. Yes.

9 Q. What advice did you give to
10 him about that? And you didn't say

11 A. Actually, I advised him
12 against it. I told him I certainly wouldn't
13 extend him any money. And I thought he
14 would know why he was transferred. I
15 wouldn't know why he was transferred. He
16 would know why he was transferred. And
17 he appeared to me to be sincere. He was
18 vexed at being transferred, and through
19 the misdeemeanours of somebody else.

20 Q. Was he asking you to advise
21 him or tell him what you thought was the
22 reason for his transfer?

23 A. No. I wouldn't say he asked
24 me what I thought was the reason for his
25 transfer, no. He did ask me about the
26 investigation.

27 THE COMMISSIONER: What investigation?

28 A. That he intended to conduct.

29 MR. WILSON: Q. What was he going
30 to investigate about Scott, as he told it



Page 100

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1 to you?

2 A. He told me that he thought
3 Scott was doing business with the gamblers,
4 and he was going to spend some money for
5 to get him, introduce him into a clique,
6 or something. He said it would take ---

7 Q. Did he tell you how he was
8 going to spend the money?

9 A. No, sir, he did not.

10 Q. And you didn't ask him?

11 A. No, I did not, sir. As a
12 matter of fact, I advised him against it.

13 THE COMMISSIONER: I am interested
14 in that, Mr. Wilson, if you don't mind me
15 asking.

16 Q. You were a good, honest
17 officer?

18 A. Yes, I was.

19 Q. All the time?

20 A. Definitely, sir.

21 Q. And being a good, honest
22 officer, and interested in the Anti-Gambling
23 Squad doing its job?

24 A. Right, sir.

25 Q. I should have thought that
26 when Wright told you he was suspicious
27 that there was some dishonest officer there
28 and he was going to conduct an investigation,
29 I should have thought that you would have
30 said in substance "God bless you, go ahead,



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1 if there is something wrong I would like
2 to see it turned up?"

3 A. No, that is not what I said.

4 Q. No, of course, that is not
5 what you said.

6 A. And it wouldn't be my advice
7 to him. May I have a glass of water, please?

8 Q. Why were you urging him not
9 to go ahead with the plan that he had
10 considered?

11 A. Mr. Rosch, the man was very
12 erratic, the man was drinking.

13 Q. This is Wright?

14 A. Yes, Wright, absolutely right.

15 Q. He was drinking?

16 A. Yes, and he felt very
17 disturbed.

18 Q. Yes?

19 A. And I felt that he, that he
20 had been transferred for some other reason.

21 Q. Other than what?

22 A. Other than what -- he didn't
23 know what he was transferred for.

24 Q. No, no. You felt he was
25 transferred for some reason other than what?

26 A. I assumed if he had been
27 drinking ---

28 Q. Now, just a moment, Mr.Cronin.
29 Just take your time. You felt he had been
30 transferred for some reason other than what?

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41. thirtieth is the fact that the



1 A. Other than what he told me.

2 Q. What did he tell you the
3 reason was?

4 A. He was working too hard on
5 the gambling houses.

6 Q. Yes.

7 A. And I think he said because
8 he had a report, I think he said he had a
9 report on, on the gambling clubs, why they
10 should be closed.

11 Q. And he told you he thought
12 that was the reason why he was transferred?

13 A. You.

14 Q. But you didn't believe that?

15 A. No, sir, I did not.

16 Q. You thought he was transferred
17 for some other reason?

18 A. Yes.

19 Q. What was the other reason?

20 A. For drinking, or something.
21 I said: "You know why you were transferred".
22 After asking him: "You know why you were
23 transferred", he said: "I have no other
24 reason. I didn't get in any trouble. That
25 is the only reason I can think I done a
26 report on it".

27 Q. You didn't think he was
28 transferred because he done a report on
29 it, as you put it?

30 A. No.



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1 Q. Or he worked too hard to
2 get the clubs closed?

3 A. That is nine years later,
4 and the clubs are still running.

5 Q. You don't think he was
6 transferred because he worked too hard?

7 A. No.

8 Q. You thought some other
9 reason. What was the other reason?

10 A. Possibly because he was
11 drinking.

12 Q. Possibly because he was
13 drinking?

14 A. Yes.

15 Q. Do you really think he had
16 been transferred because he was drinking?

17 A. I didn't come to that
18 conclusion.

19 Q. That didn't cross your mind
20 at all?

21 A. Yes, it did, because I
22 mentioned it to him. I mentioned it to
23 him.

24 Q. You didn't think that was the
25 reason he was transferred, you told me that
26 in substance.

27 A. I wouldn't give that much
28 thought.

29 Q. No, of course you wouldn't.
30 What was the reason you thought he was



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1 transferred?

2 A. I don't know. And the longer
3 I talked to him the more I thought he was
4 sincere in what he was telling me.

5 Q. That there was corruption?

6 A. Right, sir.

7 Q. And the more you talked to
8 him and were convinced he was right, I
9 should think that the more you would be
10 anxious he would carry out his investigation?

11 A. No.

12 Q. As a good honest officer
13 you would want this corruption exposed.
14 Why wouldn't you want it exposed?

15 A. I gave him my advice. It
16 was no concern of mine. I told him he
17 was going to get into trouble.

18 THE COMMISSIONER: Mr. Wilson,
19 pursue that.

20 MR. WILSON: Q. In 1955, when you
21 made this proposition to Shrubb, you were
22 doing that on the basis of what you told
23 us, because you were interested in ferreting
24 out corruption in the police force?

25 A. My suspicions, yes.

26 Q. Then, if you were very
27 anxious in 1955 to ferret out corruption
28 in the O.P.F., why wouldn't you assist this
29 man?

30 A. No.



1. The first thing I noticed

2. was that the room was very

3. quiet and the people were

4. very friendly and helpful.

5. I was very surprised to

6. find that the food was

7. very good and the service

8. was excellent. I was

9. very happy to be there

10. and I was very

11. surprised to find

12. that the food was

13. very good and the

14. service was excellent.

15. I was very happy to

16. be there and I was

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19. was very good and

20. the service was

21. excellent. I was

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23. there and I was

24. very surprised to

25. find that the food

26. was very good and

27. the service was

28. excellent. I was

29. very happy to be

30. there and I was



1 Q. In 1960, assist this man?

2 A. I wasn't as anxious in 1955
3 as I was this day with Wright. I saw
4 Shrubb on one occasion and one occasion
5 alone.

6 Q. You were not as anxious in
7 1955 as you were in 1960? What does that
8 mean?

9 A. I knew Wright was going
10 ahead and carry on in a lengthy --
11 according to him he was going to carry on
12 in a lengthy ---

13 Q. Why were you less anxious
14 in 1955 than you were in 1960, tell me
15 that?

16 A. After talking to Shrubb
17 for a few minutes I came to the conclusion
18 that there was nothing corrupt about
19 Shrubb.

20 Q. So you dropped your personal ---
21 As far as Shrubb, right.

22 Q. You dropped your personal
23 investigation immediately?

24 A. Right, sir.

25 Q. In 1955?

26 A. Right, sir.

27 Q. Because you couldn't get
28 him to go along with your proposition?

29 A. It is not I tried to get
30 him to go along with my proposition.



1 Q. That will explain itself.
2 What else did you discuss with Wright in
3 this meeting in Kingston?

4 A. He mentioned that he
5 suspected one officer.

6 Q. Yes?

7 A. And he said that he knew on
8 occasions ---

9 Q. Who was the officer he said
10 he suspected?

11 A. Scott.

12 Q. Yes?

13 A. Constable Scott.

14 Q. Just go on with your story.

15 A. He said on occasion that he
16 had felt when he was doing work that when he
17 got to wherever he was going he felt they
18 had been tipped off.

19 THE COMMISSIONER: What did you say
20 to that?

21 A. He said he had in the Niagara --

22 Q. What did you say to that?

23 A. I don't recall saying anything
24 to that particular thing, sir.

25 Q. Not a thing?

26 A. Well, I mean -- ah -- I certainly
27 couldn't put it in sequence like that, what
28 did I say to that. He said -- he referred
29 them to a situation or an event in the
30 Niagara Peninsula. And I recall telling



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1 him that there was some verification to
2 that because I had met a George Reid.
3 I don't think I told him where I had met
4 him, but I had met George Reid in the
5 sports shop in Eaton's store. And that
6 was certainly before Wright came down there.
7 And I don't know how long before, whether
8 it would be a year before, but a while
9 before. And I asked George how things
10 were going and he said they were pretty
11 rough. He said the places were going to
12 have to close, they were getting out of hand.

13 THE COMMISSIONER: This is after you
14 resigned?

15 A. Yes, sir. He said a couple
16 of kids in the squad were sewing patches all
17 over the Peninsula. He said all your boys

18 MR. WILSON: You will have to speak
19 louder.

20 THE COMMISSIONER: He said that Reid
21 told him a couple of kids on the squad were
22 sewing patches all over the Peninsula. Who
23 were the kids?

24 A. I don't think Reid ---

25 Q. Now, now.

26 A. I don't know who they were.
27 I know now.

28 Q. Who were they?

29 A. Lamorie.

30 Q. And Lawrence?





1 A. And Lawrence, right, sir.

2 Q. Reid told you that?

3 A. No, I wouldn't say that.

4 I don't know whether Reid told me their
5 names. He said a couple of kids. I am
6 not saying that Reid named them. And if
7 Reid named them I would certainly forget
8 the names, that is for sure.

9 Q. You wouldn't make any mistake
10 about that?

11 A. I am no good at remembering
12 names.

13 Q. Your memory seems to fail you
14 in other respects, too.

15 A. If it is, sir, it is not -
16 no fault of mine.

17 MR. WILSON: Q. What did you discuss
18 about the Niagara Peninsula, what other
19 names were mentioned in that connection?

20 A. Balson's.

21 Q. What was said about Balson?

22 A. Reid told me Balson had set
23 up an office in St. Catharines, and that he
24 had the Peninsula sewed up. And that I
25 told Wright.

26 THE COMMISSIONER: When was this
27 meeting with Reid?

28 A. I had no meeting with Reid, sir.

29 Q. You bumped into him. I didn't
30 suggest a meeting was pre-arranged.



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30. The thirtieth part is devoted to a description of the various districts.



1 A. I believe it was the previous
2 hunting season, or the hunting season.

3 Q. When was this?

4 A. January, 1960, sir.

5 MR. WILSON: Q. Around ---

6 A. No, not that time.

7 Q. It was around January of 1960
8 you saw Wright in Kingston?

9 A. Yes.

10 Q. Fix the date you saw Reid.

11 A. I think it was the previous
12 hunting season.

13 THE COMMISSIONER: That would be
14 the Fall of 1959?

15 A. Yes.

16 Q. You met Reid in the Fall of
17 1959?

18 A. George Reid, sir.

19 THE COMMISSIONER: Oh, yes, we know
20 him.

21 MR. WILSON: I think we can get along
22 without you doing your nails.

23 THE COMMISSIONER: Q. Among other
24 things he told you one, a couple of kids
25 on the Force ---

26 A. On the Squad, sir.

27 Q. Well, that is what I mean.
28 What did he say about them?

29 A. Were sewing patches.

30 Q. Were sewing patches?

MR.



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1 MR. WILSON: All over the Peninsula.

2 THE COMMISSIONER: All over the
3 Peninsula?

4 A. Yes, sir.

5 Q. That is one thing he told
6 you. You don't know whether -- you don't
7 know whether he mentioned their names or
8 not?

9 A. I don't think he did, sir,
10 but I don't know.

11 Q. That is one thing he told
12 you. The second, what was the other thing
13 he told you?

14 A. That ---

15 Q. Sammy Balson.

16 A. Sammy Balson had set up ---

17 Q. Had set up an office?

18 A. Right, sir.

19 Q. What about it?

20 A. In St. Catharines and he was
21 taking care of the kids.

22 Q. Yes. What did he say about
23 the Peninsula, that he had the whole
24 Peninsula tied up?

25 A. Sewed up.

26 Q. He had the whole peninsula
27 sewed up. Why would Reid be telling you that?

28 A. Well, I certainly didn't ask
29 him.

30 Q. I know. Why was he telling



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1 you that?

2 A. Well, I would think that he
3 would think it would be interesting to me.

4 Q. Why to you?

5 A. Why to me? Because I had
6 been on the Squad for quite a few years.
7 I had arrested Reid two or three times and
8 I asked him: "How are things going"?

9 Q. Yes.

10 A. And apart from that, why he
11 would tell me, I can't tell you why he would
12 tell me.

13 Q. Well, he wouldn't tell me,
14 of course.

15 A. No.

16 Q. I am very interested why he
17 was confiding that information in you.

18 A. I don't think he was confiding
19 in me at all. I don't think he confided in
20 me. There was certainly no discussion
21 or agreement for not to tell it to anybody.
22 I mean, I think he was ---

23 Q. He wasn't telling you so you
24 would go to the Attorney General with that
25 information?

26 A. No, sir.

27 Q. Why?

28 A. I can't say, apart ---

29 Q. How did it come up?

30 A. Just as I say, I asked him

The first part of the document is a list of names and their corresponding numbers, arranged in two columns. The names are written in a cursive script, and the numbers are written in a simple, bold font. The list is as follows:

John A. Smith	1
James B. Jones	2
William C. Brown	3
Robert D. White	4
Thomas E. Black	5
Charles F. Green	6
Henry G. Hall	7
George H. King	8
Edward I. Lee	9
Frederick J. Miller	10
William K. Davis	11
Robert L. Evans	12
Thomas M. Foster	13
Charles N. Gibson	14
Henry O. Harris	15
George P. Hunt	16
Edward Q. Ingram	17
Frederick R. Jackson	18
William S. Kelly	19
Robert T. Lewis	20
Thomas U. Martin	21
Charles V. Nelson	22
Henry W. Phillips	23
George X. Reed	24
Edward Y. Smith	25
Frederick Z. Taylor	26
William A. Walker	27
Robert B. Young	28
Thomas C. Ziegler	29
Charles D. Adams	30

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John A. Smith	31
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William K. Davis	41
Robert L. Evans	42
Thomas M. Foster	43
Charles N. Gibson	44
Henry O. Harris	45
George P. Hunt	46
Edward Q. Ingram	47
Frederick R. Jackson	48
William S. Kelly	49
Robert T. Lewis	50
Thomas U. Martin	51
Charles V. Nelson	52
Henry W. Phillips	53
George X. Reed	54
Edward Y. Smith	55
Frederick Z. Taylor	56
William A. Walker	57
Robert B. Young	58
Thomas C. Ziegler	59
Charles D. Adams	60



1 how things were doing. I know George
2 Reid, that is what he did for a living
3 in those days.

4 Q. What?

5 A. Worked for gambling
6 institutions.

7 Q. And you were interested in
8 how he was thriving?

9 A. I wasn't interested.

10 Q. You asked him how things
11 were doing?

12 A. Naturally, if I met a baker
13 I would ask him how things were going.

14 MR. WILSON: Q. Have you told us all
15 that George Reid told you on that occasion?

16 A. Well, I don't recall
17 anything else, sir.

18 Q. And did you consider it your
19 duty as a citizen to give this information
20 to the Anti-Gambling Branch?

21 A. No, I did not, sir.

22 THE COMMISSIONER: He was not so
23 anxious to clean up the Anti-Gambling Branch
24 on that occasion.

25 MR. WILSON: Q. Yes, just a few
26 minutes before you were more anxious to
27 get at any corruption.

28 A. I think I was more interested
29 in Wright, in Wright's investigation than
30 I was in that other.



the same way as the other two cases - in each case
the same result was reached by the same method.

It is thus clear that

Q.

Yes.

Q.

Yes, I am sure.

There is no doubt about it.

Q.

Yes, I am sure.

It is the same result.

Q.

Yes, I am sure.

Q.

Yes, I am sure.

There is no doubt about it.

Q.

Yes, I am sure.

It is the same result.

Yes, I am sure.

There is no doubt about it.

Q.

Yes, I am sure.

There is no doubt about it.

Q.

Yes, I am sure.

There is no doubt about it.

There is no doubt about it.

Q.

Yes, I am sure.

There is no doubt about it.

There is no doubt about it.

There is no doubt about it.

There is no doubt about it.

There is no doubt about it.

There is no doubt about it.

Q.

Yes, I am sure.

There is no doubt about it.

There is no doubt about it.



1 THE COMMISSIONER: Wright's
2 investigation involved cleaning up the
3 Anti-Gambling Squad?

4 A. And involved him personally.

5 THE COMMISSIONER: Yes.

6 MR. WILSON: Q. You knew George
7 Reid for some years prior to that meeting?

8 A. Yes.

9 Q. And you knew what he was
10 doing in the Fall of 1959?

11 A. No, I did not know what he
12 was doing.

13 Q. Didn't you ask him?

14 A. No.

15 Q. I thought you would have asked.

16 A. I would assume he was still
17 in the same

18 Q. In the same old spot?

19 A. Yes.

20 Q. Out at the Centre Road Club?

21 A. Right.

22 Q. Have you told us everything
23 you discussed with Wright in Kingston?

24 A. I told him if he did go
25 ahead with it I felt he would get in trouble.
26 But if he was going to go ahead with it to
27 write everything down and make notes, and
28 be very thorough, because I felt he should
29 take somebody in confidence besides himself.
30 And I know I told him there were people at



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1 the Attorney General's Department that
2 could be trusted. There would be no
3 reason to suspect the Attorney General's
4 Department.

5 Q. And who were the people at
6 the Attorney General's Department you told
7 him could be trusted?

8 A. I didn't specifically name
9 anybody.

10 Q. Well---

11 A. I would assume you could
12 trust anybody in the Attorney General's
13 Department.

14 Q. Your own evaluation of
15 Wright he had been drinking too much?

16 A. No, he was very erratic,
17 and I assumed it was because he had been
18 drinking. Although, mind you, I refused
19 to talk to him on the next occasion he came
20 down there because he was drinking.

21 Q. On this occasion you thought
22 he was in any condition you could confide
23 in him along the lines you indicated?

24 A. Confide in him?

25 Q. You were confiding in him
26 all this information you say George Reid
27 had given you?

28 A. I don't want to appear biased
29 or contemptible -- confide, do you mean ---

30 Q. Told him about these things,



1 then?

2 A. Yes, there was no deep
3 secret as far as I was concerned.

4 Q. No. Now, have you told
5 us everything about that discussion you had
6 with Wright?

7 A. I think so, sir.

8 Q. Now, in an Exhibit that has
9 been filed here, Exhibit 157, which purports
10 to be a diary of Constable R.J. Wright.
11 Under date of February 29th, 1960, he makes
12 a statement about his meeting with you
13 on page 7. It reads as follows:

14 "W.B. 1. At this time I should
15 "point out that I had contacted
16 "Mr. J. F. Cronin, a former Sergeant
17 "at the Branch, and talked with him
18 "about information from the underworld.
19 "I contacted him at Kingston at his
20 "motel."

21 Now, first of all, did you talk with him
22 about information from the underworld?

23 A. Well, would George Reid
24 be from the underworld?

25 THE COMMISSIONER: What would you
26 think?

27 A. I would think so, sir.

28 MR. WILSON: Q. Then, it goes on:

29 "J. Cronin informed me of many things,
30 "and told me to contact him any time





1 "I wished to."

2 Now, is that right?

3 A. Well, I don't think I made
4 it that obvious, any time he wished to.
5 But I certainly told him if I could help
6 him I certainly would do so.

7 Q. That is a little inconsistent,
8 you said you turned him away the next time
9 he came to you.

10 A. I haven't got to that.

11 Q. He goes on:

12 "He was convinced two officers
13 "were tipping off the gamblers
14 "in the Niagara Peninsula."

15 Now, that, I think, you have already
16 told us you told him?

17 A. Yes, sir.

18 Q. He goes on:

19 "He told me how he heard that
20 "someone in the Branch was tipping
21 "off a Mr. Balson."

22 Now, is that -- did you tell him about
23 Reid telling you?

24 A. I didn't mention Reid to
25 him, sir.

26 Q. He told me how he heard
27 "that someone in the Branch was
28 "tipping off a Mr. Balson."

29 A. Right. I didn't tell him
30 Reid, no, sir.



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1 Q. You didn't tell him the
2 source of your information?

3 A. No.

4 THE COMMISSIONER: You told him
5 how you had heard?

6 A. That I had heard -- no, I
7 didn't, sir.

8 Q. That is his language, that
9 you told him how you had heard.

10 A. I certainly wouldn't tell
11 him that George Reid told me.

12 Q. Never mind what you would tell
13 him.

14 A. I didn't tell him. I didn't
15 tell him.

16 MR. WILSON: Q. Then it goes on:

17 "He told me that Mr. Balson had
18 "been told by the informants that
19 "under no circumstances would he
20 "contact the informants at their
21 "homes."

22 A. Well, that information I never
23 gave him.

24 Q. You deny that?

25 A. That is right, sir.

26 THE COMMISSIONER: Just read that again.

27 MR. WILSON: "He told me that Mr.

28 "Balson had been told by the informants

29 "that under no circumstances would he

30 "contact the informants at their homes."



Q. Now, what time was it?

A. About 10:30 or 11:00.

Q. And you were there?

A. Yes, I was there.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 11:00 or 11:15.

Q. And you saw the man?

A. Yes, I saw him.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 11:30 or 11:45.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 12:00 or 12:15.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 12:30 or 12:45.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 1:00 or 1:15.

Q. And you saw the man?

A. Yes, I saw him.

Q. What time was it?

A. About 1:30 or 1:45.

Q. And you saw the man?



1 Q. And you deny that you told
2 him that?

3 A. No, I didn't tell him that,
4 sir, because I wasn't told that.

5 Q. Then it goes on:

6 "Any time the Branch was going to raid

7 "a bookmaker in the Peninsula that

8 "they would contact Mr. Balson in

9 "a bowling alley in St. Catharines."

10 Now, did you tell Wright that?

11 A. I don't recall it in those
12 particular words, sir. But that was
13 mentioned, a pre--- the Peninsula would
14 be pre-warned of any raid in the Peninsula,
15 the bowling alley where, what's-his-name
16 had his office.

17 Q. By contacting Balson?

18 A. Right, sir.

19 Q. Then it goes on:

20 "Sergeant Cronin also informed me

21 "that the two men from the Branch

22 "had definitely been paid money by

23 "Mr. Balson."

24 A. No, I didn't say that, sir,
25 myself, I couldn't say.

26 Q. We are getting into a sensitive
27 area. Now, do you say that Wright has
28 falsified that statement?

29 A. If he says I told him that,
30 then it is false.



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30. The Role of the Library in the Sciences and Arts	30



1 Q. It is false?

2 A. Absolutely.

3 Q. You denied that you told

4 Wright that?

5 A. I didn't tell Wright that.

6 Q. Well, wouldn't it be natural

7 if these two men on the Force were giving

8 tip-offs that they would be paid money?

9 A. Mr. Wilson, wouldn't that

10 be only assumption on my part? I would

11 think that that would be natural, but I

12 can't say.

13 Q. You seem to be a good man

14 at assuming things. Wouldn't you assume that

15 on your experience?

16 A. I would think they would be

17 paid for their services, in other words.

18 Mr. Wilson, I don't think that that date

19 would be right.

20 THE COMMISSIONER: What?

21 A. I do not think that date

22 would be right, February 29th.

23 MR. WILSON: Q. He doesn't say you

24 told him that on that date. He says in

25 opening "At this time I should point out

26 that I had contacted Mr. J.V.Cronin"

27 some time previously, obviously.

28 A. I thought you said on ---

29 Q. That is the date under

30 which he starts it. In his ---



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1 A. But it wasn't the 27th.

2 Q. No, he doesn't say it was
3 the 27th.

4 So, that you had your discussion with
5 McDermott and Feeley and Wright about your
6 meeting at Kingston. Now, what was the
7 concern of McDermott and Feeley about your
8 meeting with Wright at Kingston?

9 A. I don't know.

10 Q. Why are they concerned about
11 all this?

12 A. I don't know, sir, why they
13 were concerned.

14 THE COMMISSIONER: Why would you be
15 telling them?

16 A. Because they were charged
17 jointly, so, they are concerned.

18 MR. WILSON: Q. What would it have
19 to do with McDermott and Wright -- McDermott
20 and Feeley, this discussion you had with
21 Wright?

22 A. The mere fact they were
23 charged jointly would involve them. They
24 certainly were concerned about it, there
25 is no doubt about that.

26 Q. And they are the people you
27 say brought Wright in to this meeting this day?

28 A. I didn't say they brought him
29 in.

30 Q. Who brought him in?



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1 A. I assume he walked in.

2 Q. I didn't ask you if they
3 carried him in.

4 A. They may have contacted him
5 the night before. I was informed he was
6 going to be there.

7 Q. You weren't the man who
8 contacted him?

9 A. No.

10 Q. It was either Feeley or
11 McDermott?

12 A. Not necessarily, Wright
13 might have told McDermott and Feeley to
14 be there, I don't know.

15 Q. What else did you discuss
16 on that occasion with Wright, McDermott
17 and Feeley?

18 A. I don't recall any particular
19 thing, sir.

20 THE COMMISSIONER: This is the
21 occasion in the Royal York, you understand
22 that?

23 MR. WILSON: Q. This is in the
24 Royal York, this is the one to five period
25 with the three-quarters out for the bank.

26 A. Right, sir.

27 Q. Now, what was the next
28 meeting that you had with any of these
29 men, was it the one at the ---

30 A. I would think it is.

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Q. At the Lord Simcoe?

A. I would think so.

Q. How long after the Royal York meeting was the meeting at the Lord Simcoe?

A. I don't know, one month or two months.

Q. Would it be one month?

A. I would think it would be one month. It would be one month before I was back.

Q. If this meeting was around the 11th of March, this would be some time in April, do you think?

A. Well, I wouldn't say, sir, it may have been May. It may have been May.

Q. And it was either April or May; is that right?

A. Well, I am not going to guess, sir, that's for sure.

Q. Was it in June?

A. I don't think so, sir, we are in June now.

Q. It wasn't this month.

A. Definitely not.

Q. When did you go off to Germany?

A. When did I go off to Germany?

Q. Didn't you have a trip recently?



1 A. Mr. Wilson, I told you
2 I wanted to go to Germany, but on account
3 of this here I cancelled it. I couldn't
4 go. I didn't go.

5 Q. You didn't go?

6 A. No.

7 Q. I thought when you called me
8 and said you were going, if it wasn't going
9 to be a problem as far as you being called
10 as a witness on a particular day.

11 A. I am sorry you misunderstood
12 me, sir, but that is not what I said.

13 THE COMMISSIONER: Let us have ten
14 minutes.

15
16 --- Whereupon the hearing recessed.

17
18 (Page 8870 follows)

Q

A

A



THE COMMISSIONER:

MR. WILSON: Q.

1. The first thing I noticed when I stepped out of the car was the cold. It was a sharp, biting cold that seemed to penetrate my coat. I shivered as I walked towards the building.

2. The second thing I noticed was the silence. It was an unusual silence, a stillness that felt heavy and oppressive. I looked around, but saw no one.

3. The third thing I noticed was the smell. It was a strange, musty smell that seemed to come from the walls of the building. I sniffed the air, but couldn't quite place it.

4. The fourth thing I noticed was the light. It was a dim, yellowish light that seemed to come from the windows of the building. I walked closer, but the light didn't seem to get any brighter.

5. The fifth thing I noticed was the sound. It was a low, rumbling sound that seemed to come from the ground. I listened intently, but couldn't hear anything more.

6. The sixth thing I noticed was the feeling. It was a strange, tingling feeling that seemed to run down my spine. I shivered again, but this time it was from something other than the cold.

7. The seventh thing I noticed was the sight. It was a sight that I had never seen before. The building was made of a dark, jagged material that looked like stone or metal. It had a jagged, irregular shape that seemed to defy the laws of physics.

8. The eighth thing I noticed was the taste. It was a strange, metallic taste that seemed to be in the air. I opened my mouth and tasted the air, but couldn't quite place it.

9. The ninth thing I noticed was the touch. It was a cold, hard touch that seemed to be on my skin. I touched the wall of the building, but it didn't feel like a wall at all.

10. The tenth thing I noticed was the thought. It was a thought that I had never thought before. I thought about the building, about the cold, about the silence, about the smell, about the light, about the sound, about the feeling, about the sight, about the taste, about the touch. I thought about everything, but I couldn't think of anything else.



1 had with McDermott, Feeley or Wright?

2 A. No, sir.

3 Q Tell us what other meetings you
4 had?

5 A. Well, I don't think I^{ever} went
6 to another hotel. I walked over to Joe
7 McDermott's house three or four times.

8 Q. I see.

9 A. I don't remember how many
10 times.

11 THE COMMISSIONER: Q. In addition to
12 three times you told us about?

13 A. Right.

14 MR. WILSON: Q. Who would be
15 present?

16 A. Well, just McDermott.

17 Q. And what were you discussing
18 with McDermott on those occasions?

19 A. Well, no doubt we discussed
20 something about this Commission. I don't remember
21 anything, specifically, and I assume he was
22 interested in other discussions about mines and
23 so on; but, we did mention the Commission.

24 Q. What was his advice about
25 the Commission on these three occasions?

26 A. I didn't need any advice and
27 he didn't give it.

28 Q. What did he say about the
29 Commission, then?
30



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1 A. Well -- I mean -- I think he
2 was supposed to come up first. Feeley was coming
3 up, and I went over and relayed at this time
4 the transaction, again, to him. That would be
5 before -- that would be two or three nights
6 before Feeley was coming.

7 Q. Is there anything else he
8 had to say about the Commission?

9 A. I don't recall anything in
10 particular, sir.

11 Q. Well, did you go over to see
12 him on these three occasions to discuss anything
13 else other than the Commission?

14 A. No.

15 Q. So that is six times at least
16 you have been discussing matters pertaining to
17 this Commission with McDermott since March 9th,
18 1962?

19 A. I think that would be reasonable.

20 Q. Have you told us all the
21 occasions?

22 A. I have told you all the occasions
23 that I recall, yes.

24 Q. Coming back to September 18th,
25 1956, we have had a report by Shrubbs which has
26 been filed as Exhibits 112 and 113. He relates
27 certain statements made to him by Vincent
28 Feeley in a telephone conversation and also,
29 in particular, so far as you are concerned, and
30



Q. Now, I want to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I want to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I want to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I want to ask you a question.

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A. Yes, I am ready to answer.

Q. Now, I want to ask you a question.

A. Yes, I am ready to answer.

Q. Now, I want to ask you a question.

A. Yes, I am ready to answer.



1 a meeting of August 31st, 1956. These refer
2 to you. It is paragraph 8, subparagraph (b),
3 J.F.Cronin:

4 "That Cronin got to take money

5 "from every gambler throughout

6 "the Province (reading to words)"

7 THE COMMISSIONER: Is that 112?

8 MR. WILSON: 112 and 113.

9 THE COMMISSIONER: Is that an exhibit?

10 MR. WILSON: Yes, Mr. Commissioner.

11 Q. Why would Feeley make a
12 statement like that?

13 THE COMMISSIONER: Just a moment.

14 MR. WILSON: It is on page 2 of that
15 exhibit, paragraph 8(b).

16 THE COMMISSIONER: Oh, yes.

17 MR. WILSON: Yes.

18 Q. Now, did you take money from
19 gamblers throughout the Province?

20 A. Never, sir, absolutely not.

21 Q. And did you get enough money
22 saved up?

23 A. Saved up, sir?

24 Q. Eh?

25 A. What for?

26 Q. Well, very obviously, from
27 the context of that - - -

28 A. I have never had enough money
29 saved up.
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1 Q. Now, were you taken aside
2 by McDermott and Feeley and cautioned about
3 playing the field?

4 A. Never, sir.

5 Q. And to play only with them?
6 And you would be better off in the long run?

7 A. Never, sir.

8 Q. Why would Feeley make those
9 sort of statements about you to Shrubbs?

10 A. I have no idea, you will have
11 to ask him; if he made them, they are false
12 and I would have no idea about them.

13 Q. They are rather slanderous,
14 if they are not true?

15 A. Yes.

16 Q. How long have you known that
17 he had made these statements?

18 A. This is the first time I have
19 known.

20 Q. This is the first time?

21 A. Definitely, sir, it is.

22 Q. And you can give no reason
23 as to why he would make those statements about
24 you?

25 A. No, I couldn't sir, I don't
26 know anything about the circumstances under which
27 he made the statements.

28 Q. Well, the circumstances were
29 that he had a meeting with Shrubbs on the 31st of
30



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1 August, 1956, and Shrubbs made the usual report
2 following that meeting, and that is what he had
3 to say about you?

4 A. I would say no; I have no
5 idea why he would say it.

6 Q. They are - - what he is saying
7 about you, and you are swearing under oath,
8 that everything he said about you is untrue?

9 A. Definitely untrue.

10 Q. Now, after this first meeting
11 you had with Wright at Kingston, did you have
12 any further communication from him?

13 A. After the first meeting at
14 Kingston?

15 Q. Yes?

16 A. Yes I did, sir.

17 Q. When was that occasion?

18 A. I don't know what day it was,
19 but he came back to the motel with two police
20 officials. I think they were police officers,
21 and stopped in at the motel.

22 Q. Yes?

23 A. And that would be before he
24 was arrested.

25 Q. How long before he was arrested?

26 A. I think it would be quite a
27 while, maybe a month or maybe two weeks.

28 Q. Then, did you have a talk with
29 him about the Niagara Peninsula on that occasion?
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A. I didn't.

Q. What did you talk with him about on that occasion?

A. I didn't discuss it.

Q. Are you telling us shortly after he was transferred you had no further discussion with him?

A. That is right, sir.

Q. That is right.

A. I had no further discussion with regard to the investigation.

Q. Did you talk to him on the phone?

A. No, he said - - he stopped at my place, for, I guess, an hour, because the people went away.

Q. Who was with him?

A. I don't know their names. He said they were police officers from Belleville.

Q. You didn't inquire as to their names?

A. No.

Q. Is that the only occasion after the meeting in August that you spoke to Wright after he was arrested?

A. The only occasion after he was transferred?

Q. Yes?

A. That's right. I don't know.

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J.F.Cronin

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1 Q. You said Wright. Between
2 that time and the time he was arrested, which
3 was May 28th, there was only ~~only~~ other occasion
4 when you saw him or talked to him?

5 A. Yes, sir.

6 THE COMMISSIONER: Q. There is no
7 doubt about that?

8 A. No doubt, sir.

9 MR. WILSON: Q. Exhibit 67, which
10 is, again, Wright's diary, he has this reference
11 under date of April 10th, 1960, which is on
12 page 12.

13 "Contacted P.C.Scott at his home,

14 "Oxford 4-0731 by L.D. phone,

15 "I told him I had been talking to

16 "a person (Cronin) that the St.

17 "Catherines opening on Sunday.

18 "He said he heard Lamorie talking

19 "about a bookmaker in St.Catherines

20 "operating in the main street".

21 Now, did you make any such statement
22 to Wright as he has set out in his report?

23 A. Definitely not.

24 Q. Well, C-r-o-n-i-n, is that
25 the way you spell your name?

26 A. That is what you said he
27 said.

28 Q. I will let you read it yourself.

29 (Hands document to witness)
30





J.F.Cronin

9878

1 A. I certainly never made that
2 statement to Wright.

3 Q. Do you deny you made this
4 statement that he reports here?

5 A. That is what he said; that
6 is not what I said.

7 Q. Now, you first of all deny
8 you were talking to him about St. Catharines
9 opening on Sunday?

10 A. Right, sir.

11 Q. You definitely deny that?

12 A. Right, sir.
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1 Q. You deny you were talking
2 to him about St.Catharines, saying - - -

3 A. I do.

4 Q. You deny that?

5 A. Right.

6 Q. Did you talk to him at all,
7 on that occasion about St.Catharines?

8 A. No sir. Are you talking
9 about the second occasion?

10 Q. That is the occasion we are
11 talking about. The only occasion you say
12 you talked to him, before he was arrested?

13 A. I never mentioned - I
14 refused to discuss with him, that, because he
15 was drinking.

16 Q. Did he mention that?

17 A. No he did not. There was no
18 discussion at all.

19 Q. Now, in this same report of
20 April the 10th, he says:

21 " I had heard from Cronin about
22 Davidson's back end. "

23 What do you mean by that?

24 A. I would not know anything about
25 Davidson's back end, and therefore I never said
26 that.

27 Q. Where was Davidson's back
28 end located?

29 A. I have no idea where Davidson's
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1 back end was located.

2 Q. On May the 2nd, 1960, in this
3 same exhibit, in the Scott Diary - I am sorry;
4 it is in the Wright Diary; in the Scott
5 Diary, which is Exhibit 61, under date of
6 May the 2nd, George Scott refers, or records
7 a telephone conversation he had with Joseph
8 McDermott on that date. It is on page 22 of
9 the exhibit, under item "C".

10 This reads as follows: - -

11 THE COMMISSIONER: Page what?

12 MR. WILSON: 22.

13 "Cronin - - "

14 And then in brackets:

15 " Sergeant Cronin, was in business
16 "for ten or twelve years, and
17 "was supplying the offs to many
18 "places. The guy had the heart
19 "of a lion."

20 Was that statement of McDermott, to Scott as
21 recorded here, a true statement?

22 A. A false statement.

23 Q. A false statement?

24 A. Definitely a false statement.

25 Q. Why would McDermott have any
26 reason to make a false statement about you?

27 A. There again, it is McDermott
28 talking to Scott, and it would be to his benefit,
29 possibly. I cannot say why he was going on about it.
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THE COMMISSIONER: Just a moment.

Who? McDermott?

THE WITNESS: Yes. He certainly was not trying to help me, and if he said it, that is for him to answer. I cannot say why he said it.

MR. WILSON: Q. When did you first learn about this statement?

A. I have heard about that statement.

Q. You have heard about it?

A. Yes, I have.

Q. When did you first hear about that?

A. I could not say, sir.

Q. Was it when the first trial of McDermott and Feeley and Wright took place?

A. I would assume it was, but I will not say so. I do not know. It was during the trial.

Q. Did you ask McDermott about it?

A. Yes, I did.

Q. What did he say?

A. He said he did not make it.

Q. He denied making it?

A. Yes, he did.

Q. I suppose he told you he would deny making it, when he came before the Commission?

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J.F.Cronin

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A. No, he did not.

Q. Didn't he say that?

A. No, he did not.

Q. Now, on page 23 of that exhibit, under date of May the 8th, 1960, items C and D - now here Scott is concerned, that R.J.Wright met him on that date and made the following statement to him.

"C. I was a partner with

"Cronin who was out out. I

"thought I would receive his

share but I did not."

Was that statement of Wright's to Scott true, or false?

A. False.

Q. Did you ever have any partnership with Wright ?

A. Never, sir.

Q. And you deny that there was ever any relationship between Wright and yourself?

A. Financially.

Q. In regard to any tip-off operations?

A. Definitely.

Q. And then, in "D" in regard to May the 8th, Wright is reported as having said to Scott:

"Cronin made at least \$100,000.

"I have got \$30,000 anyway."



1 Dealing with that, did you make at least one
2 hundred thousand dollars?

3 A. No I did not. If I did, I
4 would still have it.

5 THE COMMISSIONER: Unless you invested
6 it in a motel?

7 THE WITNESS: That is right, but I
8 would still be able to account for that.

9 MR. WILSON: Q. And do you know
10 anything about the Wright statement, that
11 "I have made \$30,000 anyway"?

12 A. I would not know if he made
13 thirty cents, or anything. I do not know, and I
14 should not think, to look at him, he has.

15 Q. And at page 6 of that exhibit,
16 about a third of the way down, the conversation
17 runs as follows:

18 "Scott: Of course Cronin had it
19 "coming now, mind you.

20 "McDermott: How did they know then?

21 "Scott: Well, I don't know how
22 "they know, but - - -

23 "McDermott: Just gossip No more
24 "than they will know right now.

25 "Scott: No, I would not say that

26 "Joe. I would not say that.

27 "I have heard several distorted stories
28 "about it, but Armstrong - - -

29 "McDermott: That is what they are,
30 "distorted stories.



1 "Scott: No. Armstrong put the
2 "finger on him. You were there that
3 "night. I think you were parked in
4 "your car or something, and Armstrong.

5 "McDermott: Cronin - Armstrong
6 "came up to Cronin's house. This
7 "is six months after.

8 "Scott: Six months after, yeah.
9 "Well, that is what I say.

10 "McDermott: What the hell did Cronin
11 "fear then?

12 "Scott: Yes, I know. But I say
13 "they knew at that time, then there
14 "were not many doubts left after that.

15 "McDermott: Listen, I will tell
16 "you what kind of guy Armstrong was.
17 "Armstrong had the bottle there for
18 "taking up the collection for donuts
19 "and coffee in the morning, and
20 "Cronin set a couple of traps for
21 "Armstrong. Haha."

22 Now, did you set any traps for
23 Armstrong?

24 A. No, I did not, sir.

25 Q. Do you know anything about
26 this story, that McDermott is talking about?

27 A. Yes sir, I do, sir.

28 Q. Or, money missing from the
29 donut jar?
30



The first of these is the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.
 This has been due to a number of factors,
 including the fact that the government has
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A. Yes.

Q. And was Armstrong involved in that incident?

A. Yes.

Q. And are you saying that he was stealing from the donut jar?

A. He was not contributing.

Q. He was not contributing?

A. That is right, sir, that is right, and I will give you the names of the officers you can question on it, if you want to.

THE COMMISSIONER: Do not clutter up the record with that.

MR. WILSON: Q. Did Armstrong put the finger on you?

A. Put the finger on me?

No. You know the report he done; if that is the finger, that is the finger.

Q. And do you recall having a meeting with Inspector Graham and Constable Moore on June the 23rd, 1960?

A. Yes, I do sir.

Q. There were two meetings, one on May the 4th, 1961?

A. I would not - - there were definitely two meetings.

Q. Inspector Graham came along to your house the second time, and he - - -

A. The second meeting. The



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1 second meeting.

2 Q. Let me get this straight.

3 Both the meetings were at your Fort Credit home?

4 A. On that?

5 Q. At the first one?

6 A. Yes sir.

7 Q. And at the first one, was
8 Graham alone?

9 A. Maybe it was the first one,
10 sir. I could not say it was the first time.

11 Q. Maybe we could get this
12 straightened out. The first meeting was in 1960;
13 that was Moore and Graham, in June, 1960?

14 A. It runs in my mind that the
15 first meeting, was the two of them.

16 Q. It was Wright after Wright's
17 arrest?

18 A. I do not think it was right
19 after.

20 Q. Well, within a matter of weeks?

21 A. Yes, that is right.

22 Q. And he was arrested on May the
23 28th, 1960. Now on that occasion did you tell
24 Graham and Moore that you would not make a
25 statement?

26 A. Yes sir.

27 Q. Why?

28 A. I did not say I would not make
29 a statement. I said I preferred not to make a
30



1. The first part of the document is a list of names and addresses, which are arranged in two columns. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list includes names such as "John Smith", "Mary Jones", and "Robert Brown", along with their respective addresses in various parts of the country.

2. The second part of the document is a series of short, handwritten notes or letters. These are arranged in a single column and appear to be addressed to the individuals listed in the first part. The notes are written in a cursive script and contain various messages, some of which are quite brief and others are more detailed.

3. The third part of the document is a series of short, handwritten notes or letters. These are arranged in a single column and appear to be addressed to the individuals listed in the first part. The notes are written in a cursive script and contain various messages, some of which are quite brief and others are more detailed.

4. The fourth part of the document is a series of short, handwritten notes or letters. These are arranged in a single column and appear to be addressed to the individuals listed in the first part. The notes are written in a cursive script and contain various messages, some of which are quite brief and others are more detailed.

5. The fifth part of the document is a series of short, handwritten notes or letters. These are arranged in a single column and appear to be addressed to the individuals listed in the first part. The notes are written in a cursive script and contain various messages, some of which are quite brief and others are more detailed.



1 statement.

2 Q. I thought a minute ago you
3 told him you would not make a statement?

4 A. No, I did not. I would never
5 be put in that position, surely, that I had
6 to decide that I would not make a statement.

7 THE COMMISSIONER: What?

8 THE WITNESS: Would they insist on
9 making a statement? I mean, I would not have
10 to state I would not make a statement. I preferred
11 not to make a statement.

12 THE COMMISSIONER: Q. They had
13 asked you to make a statement?

14 A. They asked me to make a
15 statement.

16 Q. What did you say?

17 A. No. I told them I would
18 testify under oath.

19 Q. And you said you would not
20 make a statement. They asked you to make
21 one, and you said "No"?

22 A. That is right, sir.

23 Q. Is not that the same thing,
24 as saying: "I will not make a statement?"

25 A. I do not think it is.

26 Q. You do not think it is?

27 A. Yes, that is right.

28 MR. WILSON: Q. Did you tell them
29 that you had received a call from David Humphrey,
30



1 the day after Wright's arrest?

2 A. Shortly after his arrest.
3 I think maybe the next day or the next day.

4 Q. What was David Humphrey calling
5 you about, after Wright's arrest?

6 A. About notations in the
7 notebook.

8 Q. What notebook?

9 A. That they found on Wright.

10 Q. That who had found on Wright?

11 A. The Provincial Police.

12 Q. Were these the notations I
13 have referred you to?

14 A. I cannot say that.

15 Q. What did Humphrey ask you?

16 A. He said he was representing
17 Wright, and that among his possessions was a
18 notebook, with a note or notation where he had
19 visited me at the motel. Was that right? I
20 said yes, he had visited me at the motel.

21 Q. Did Humphrey tell you how he
22 he knew what was in the diary?

23 A. No, he did not.

24 Q. You told him I take it what
25 you have told us here, this morning?

26 A. No, no, no. I talked very
27 shortly to Mr. Humphrey. I told him if he
28 needed me, where I would be; at the motel, or
29 at my home, and he never ever contacted me.
30





1 Q. You did not hear from him?

2 A. No, I did not.

3 A. But around that time, did you
4 hear from McDermott and Feeley?

5 A. No sir.

6 Q. And after Wright was arrested,
7 how soon after he was arrested, did you hear
8 from Wright - - I beg your pardon, from McDermott
9 and Feeley?

10 A. I do not recall hearing from
11 them, sir.

12 Q. Not at all?

13 A. No, I do not.

14 Q. After May of 1960, how soon
15 was it after that that you saw either McDermott
16 or Feeley?

17 A. I could not say sir.

18 Q. Was it a matter of weeks?

19 A. I would think it would be
20 maybe a week; maybe ten days, maybe two weeks.

21 Q. Now, at this meeting with
22 Graham and Moore on June the 23rd, 1960, did
23 you tell them that Wright had named the higher-ups
24 involved, but you refused to name them to
25 Graham and Moore?

26 A. I do not recall saying that.

27 THE COMMISSIONER: Do you deny it?

28 THE WITNESS: To recall, saying he
29 involved higher-ups?
30



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1 THE COMMISSIONER: Read the question - -

2 MR. WILSON: Q. Did you on that
3 occasion tell Graham and Moore, that Wright
4 had named the higher-ups involved, but you
5 refused to name them to Graham and Moore?

6 THE COMMISSIONER: What is the answer?

7 THE WITNESS: I do not recall making
8 this statement, sir. I do not recall.

9 MR. WILSON: Q. Do you deny making it?

10 A. No, I would not deny it, sir.

11 Q. Well, could you have made it?

12 A. It is possible I could make it.

13 Q. Was it true, if you did make
14 it?

15 A. That he named higher-ups?
16 No, he did not, sir.

17 Q. Did you tell him on that
18 occasion that you were well acquainted with
19 McDermott and Feeley?

20 A. With McDermott, sir.

21 Q. With McDermott?

22 A. I do not recall saying I was
23 well acquainted with Feeley.

24 Q. Do you deny you told him that,
25 on that occasion?

26 A. I do not recall saying with
27 Feeley; I certainly do, with McDermott.

28 Q. And did you tell him on that
29 occasion that you had planned accompanying McDermott
30

[illegible]



J.F.Cronin

8907

1 and Peasley to the KRNO Mines the previous week,
2 but could not make it?

3 A. I do not think they said it.
4 They had invited me to the mine; I would not
5 say it was Cronin's mine (sic), or if this
6 word is the "Cronin's mine" it would be wrong.

7 Q. The KRNO Mine?

8 A. The name of the mine I would
9 not know.

10 Q. They had invited you to go
11 to the mine?

12 A. But no name was mentioned;
13 certainly I would not have told Graham, because
14 I would not know the name of the mine.

15 THE COMMISSIONER: Q. They invited you
16 to go to a mine?

17 A. Yes sir.

18 Q. And they had only one?

19 A. I do not know this.

20 MR. WILSON: Q. You were not able to go?

21 A. I would not go; in the first
22 place, I would not get in the plane and go.
23 I would not say I was not able to go; but just
24 not to go; and not that I would not; there was
25 nothing sinister about the mine, because I did
26 not.

27 I did say that Wright involved a higher-
28 up; but I certainly did not say that Wright
29 involved, and it is presumably - - - -
30



1 Q. Whom did he involve?

2 A. The second time he came to the
3 premises, he certainly was very much the worse
4 for liquor, and I refused to talk to him, and
5 he got sore at me, and he told me he was not that
6 intoxicated; he said he had been with C.I.B.
7 - a C.I.B. inspector all afternoon, and the
8 C.I.B. inspector - - and they were drinking in
9 some hotel; I forget what.

10 Q. You deny that you told him
11 that Wright had named the higher-ups?

12 A. Right, sir. Wright named
13 the inspector.

14 Q. Who was the inspector we
15 are getting named, now?

16 A. Right, sir, he was
17 investigating a murder at that time; a body
18 that was found on the highway, outside of Kingston.

19 Q. Was this supposedly one of
20 the higher-ups who was involved in something
21 corrupt?

22 A. Who said there was anything
23 corrupt? I mean, I certainly did not say
24 there was anything corrupt.

25 Q. I mean, what was the name?

26 A. I did not want to discuss it.

27 To be sure, two or three times I told Inspector
28 Graham that I preferred not to be involved at
29 all, and that I had three addresses, and at any
30

the subject and I would want to see some of it

[illegible]



1 time he wanted me to testify, if he would
2 send me a subpoena I would testify, no matter
3 where it was, and I would give my testimony
4 under oath.

5 THE COMMISSIONER: But you would not
6 give him a statement?

7 A. No, I did not care to give him
8 a statement. There were personal reasons for that.
9 I mean, I know the inspector, and I did not
10 know it was going to be going this far, and I
11 still did not want to involve the inspector.
12 Why should I?

13 THE COMMISSIONER: I do not understand
14 that answer.

15 MR. WILSON: I do not, either.
16 (To the witness) Are you still saying that
17 Wright - I beg your pardon - that you did not
18 tell Graham and Moore that Wright had named
19 the higher-ups involved?

20 A. He named the inspector;
21 he told me he had been drinking.

22 Q. Involved in what?

23 A. Wright did not say he was
24 involved; you said he involved a higher-up.
25 Wright involved a higher-up.

26 THE COMMISSIONER: Now that we
27 understand that, for what it is worth, who was
28 the higher-up?

29 A. The Inspector; in other words,
30



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1 he had been drinking with the inspector all
2 afternoon, and Wright was drunk when he came
3 to my place, and he said he left the inspector,
4 and he had been drinking all afternoon in the
5 Princess Motor Court.

6 Q. And that is the way you meant,
7 he involved a higher-up?

8 A. That is right, sir.

9 Q. I want what the personal
10 reasons are? Why would you not give him a
11 statement? What were the personal reasons?

12 You said you knew the inspector.
13 Of course, we all know that you knew him.

14 A. I would not want to write
15 out a report, if I did not have to, to involve
16 an inspector.

17 Q. No, no, no, no. You said
18 you had personal reasons, and they involved
19 your knowledge of the inspector. That is the
20 way I understood you?

21 A. I mean to say this, Mr. Rosch,
22 certainly the Inspector's name was mentioned
23 to me, and they had been drinking all afternoon.

24 Q. Now, you are talking about
25 Inspector Graham?

26 A. Right, sir.

27 Q. And he asked you to make
28 a statement?

29 A. Right, sir.
30

...and that they had been drinking all night.



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Q. You said you would not?

A. Yes.

Q. You said you had personal reasons? Why not?

A. That would be personal.

Q. What was?

A. That I did not want to involve the Inspector.

Q. Certainly it was a personal decision, but you connected your personal decision with the fact that you knew him. What has that got to do with it?

A. Well, it would seem to me that I was turning in the Inspector for drinking. I am not trying to be evasive.

Q. You are either evasive, or stupid.

A. Then I am stupid, because I am certainly not evasive.

THE COMMISSIONER: I give up, Mr. Wilson!

MR. WILSON: I think I am in the same position on that point.

(To the witness) Exhibit 159 is a list of telephone calls, under date of May the 31st, 1960; this is page 17, and the last call referred to on that exhibit.

THE COMMISSIONER: Page 17?

MR. WILSON: "7:05 p.m." There was

93



1 a call from Port Credit?

2 THE COMMISSIONER: What date?

3 MR. WILSON: May the 31st, 1960.

4 "Port Credit, Crescent 8-3289 to

5 "Kingston, Liberty 2-6741."

6 Crenin's Kingston Motel.

7 (To the witness) First of all,
8 is Liberty 2-6741 the number of your motel?

9 A. That is right, sir.

10 Q. And this would be three
11 days after Wright was arrested, before McDermott
12 called you by phone, on the occasion listed here?

13 A. I will not deny it, but I
14 do not remember it.

15 Q. Surely - - -

16 A. I do not remember it.

17 Q. You do not remember it?

18 A. No sir, I do not sir. I do
19 not remember it. If you are suggesting that he
20 called me to tell me about Wright, that is
21 absolutely wrong, because he did not.

22 Q. Did he call you before or
23 after David Humphrey called you?

24 A. I do not recall him calling,
25 sir. I do not recall him calling; David
26 Humphrey is the only one that called me at
27 Kingston, and talked to me about Wright.

28 Q. What would McDermott and
29 Feeley be calling you about on May the 31st, 1960?
30

[illegible]



1 A. Mr. Wilson, actually you
2 cannot say that McDermott and Feeley called me,
3 because I sat in here when that evidence was
4 given, and there is not now anything definite
5 that it was McDermott and Feeley that made that
6 call.

7 But I am not trying to be evasive on
8 that, either. I do not recall.

9 I assume possibly one of those fellows
10 had called from that number.

11 Q. What would they be calling
12 about?

13 A. I would not know. McDermott
14 called me once; I do not know at what time it
15 was and there was - - he told me a lady in Napanee
16 had a product for sale; a medicine product for
17 sale, and he had seen it advertised in the papers,
18 and I do not know what time it was. Joe
19 McDermott called me five times at my motel all
20 the time I have been there, and he has never been
21 to the motel.

22 Q. Was that one of the matters
23 you discussed at one of those meetings you have
24 had with McDermott, in the last few months?

25 A. Do you mean that telephone call?

26 Q. Yes?

27 A. I do not recall that. telephone
28 call, and he never mentioned that telephone call.

29 Q. Did McDermott mention that
30



Q. All right, would you

remember any that were sold and how many of them?

A. I don't know even that, because

there, and there is the one that was

and it was something and twenty that were

all.

Q. And I am not trying to be

that, either, I am not really.

A. I cannot remember one of those

and there was one that

Q. And there was one that

was

A. I would not know, because

called me about it, I do not know at that time

was not there and - he told me a lady in

and a woman, I don't know, a woman

and he had even to be there in the

and I do not know what time it was.

Q. Remembered called at the time of the

and then I have been there, and he

to the

Q. And then he was

and discussed at one of those

and with him, in the last

A. Do you mean that

A. Yes

A. I do not really know, because

and he never

Q. And



1 telephone call?

2 A. I would not. He did not
3 mention it.

4 Q. On May the 4th, 1961,
5 Inspector Graham called at your residence in
6 Port Credit. Do you recall that?

7 A. Yes I do.

8 Q. And again he asked you to
9 make a statement, did he not?

10 A. I do not recall him asking
11 me to make a statement, but if he said he
12 did, he did. He came to clarify a couple of
13 points..

14 Q. He said you refused to make
15 a statement on that occasion?

16 A. Mr. Wilson, I would not be
17 put into a position, by Inspector Graham, to
18 refuse a statement. Refuse means he attempted
19 to get a statement.

20 Q. He said: "I asked him for
21 a statement at that time, and he refused to make
22 a statement." Do you deny that?

23 A. My interpretation for
24 "refuse" is a bit different from yours.

25 Q. I know your interpretation is
26 different on a lot of things.

27 A. Now, I declined to make a
28 statement.

29 THE COMMISSIONER: That is refusing, is
30



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I would not, the day was

A

11/11/1911

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1 it not?

2 MR. WILSON: Not in his book (laughter).

3 THE WITNESS: This is not the way
4 I was taught to present it.

5 THE COMMISSIONER: We will see.

6 He asked you to make a statement?

7 A No, I do not recall him asking
8 me to make a statement. He came to my place, and
9 he said he wanted to clarify a couple of
10 points. I do not recall him asking me to
11 make a statement, but if Inspector Graham
12 said he did, I will not deny it.

13 Q. Now, we have it that he
14 did say it?

15 A. No. I am not going to say
16 that he did.

17 Q. Mr. Graham said that he
18 asked you?

19 A. That is right.

20 Q. Assuming that that is true - - -

21 A. I declined to answer.

22 Q. Is not that refusing, in your
23 book?

24 A. No, it is not.

25 Q. What is it then?

26 A. It is declining to make
27 a statement. Refusing, sir, seems to me as
28 if - - I think it puts the implication on
29 Inspector Graham, that he attempted to get a
30

[illegible]



1 statement.

2 Q. We have it this way: That
3 he asked you to make a statement, and you said
4 you would not?

5 A. That is absolutely - no,
6 I am not saying that at all.

7 Q. For goodness sake, try and
8 have me understand what you mean! It is
9 crystal clear to me that if Graham asked you
10 to make a statement, and you said, "No, I will
11 not" - - and is that what you said?

12 A. I said I would prefer not to.

13 Q. You said you would prefer not
14 to?

15 A. Yes, and that I would testify
16 under oath.

17 Q. You refused to give him a
18 statement. It is just as simple as that, is
19 it not? Let us not quibble about words.

20 A. I would say, refused would
21 be an admission that it was an improper attempt,
22 of a person, to give a statement. I have
23 always been taught that.

24 Q. Oh, why do you - - -

25 A. It seems to me - - -

26 Q. Just a moment. Now, taking
27 you, as you have put it: why were you
28 preferring not to make a statement?

29 A. I would say that testifying
30

0-2 87 1961-1962 1963-1964 1965-1966 1967-1968 1969-1970

[illegible]

100-443886-100

Approved: _____ Date: _____



1 / under oath would surely be just as acceptable,
2 and surely would be just as rightful, would
3 it not? I think I made it very clear, that
4 I would prefer to testify under oath, rather
5 than make a statement.

6 Q. You told me that you told him
7 that you preferred not to; and I am asking you,
8 why you preferred not to? You had nothing to
9 hide?

10 A. No.

11 Q. According to your evidence
12 now?

13 A. No, I had nothing to hide.

14 Q. If you had nothing to hide,
15 why not say: "Sure, I have nothing to hide. I
16 will tell you everything I know!" Why did
17 you not do that? You are an honourable man?

18 A. I would not know!

19 Q. Why did you not do that?

20 A. I would not know it was going
21 this far, sir. I would not know.

22 Q. What has that to do with it?

23 A. Well, if I erred, I erred, but
24 I erred in good faith.

25 Q. We are not concerned at the
26 moment with whether you erred or you did not err.
27 But I am concerned about what was your reason,
28 for your preferring not to make a statement,
29 and to tell him you would not?
30

[illegible][illegible]



1 A. I did not want to get
2 involved, unless it was going to get this far.

3 Q. Involved in what?

4 A. In any investigation.

5 Q. Was an investigation pending
6 at that time?

7 A. That is why Inspector Graham
8 was at my place.

9 Q. There was no investigation
10 pending on May the 4th, 1961? You are
11 thinking of this Commission?

12 A. No. He asked me to clear
13 a couple of points.

14 Q. Why did you not want to do
15 it?

16 A. I did not want to become
17 involved in any investigation.

18 Q. Why not?

19 A. I preferred not to.

20 Q. But why did you prefer not
21 to? You had nothing to hide, you say?

22 A. That is right, sir.

23 Q. Why did you not help him
24 clear it up?

25 A. I think, by giving my
26 address and telling him I would be prepared - - -

27 Q. No, no, no. You had
28 confidence in Graham?

29 A. Yes.



1	Q. Now, did you see the man who was with the woman?	A. Yes, I did.
2	Q. What time was that?	A. It was about 10:30 or 11:00.
3	Q. Did you see the man's face?	A. Yes, I did.
4	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
5	Q. Did you see him again?	A. Yes, I did.
6	Q. What time was that?	A. It was about 11:30 or 12:00.
7	Q. Did you see the man's face?	A. Yes, I did.
8	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
9	Q. Did you see him again?	A. Yes, I did.
10	Q. What time was that?	A. It was about 12:30 or 1:00.
11	Q. Did you see the man's face?	A. Yes, I did.
12	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
13	Q. Did you see him again?	A. Yes, I did.
14	Q. What time was that?	A. It was about 1:30 or 2:00.
15	Q. Did you see the man's face?	A. Yes, I did.
16	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
17	Q. Did you see him again?	A. Yes, I did.
18	Q. What time was that?	A. It was about 2:30 or 3:00.
19	Q. Did you see the man's face?	A. Yes, I did.
20	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
21	Q. Did you see him again?	A. Yes, I did.
22	Q. What time was that?	A. It was about 3:30 or 4:00.
23	Q. Did you see the man's face?	A. Yes, I did.
24	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
25	Q. Did you see him again?	A. Yes, I did.
26	Q. What time was that?	A. It was about 4:30 or 5:00.
27	Q. Did you see the man's face?	A. Yes, I did.
28	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
29	Q. Did you see him again?	A. Yes, I did.
30	Q. What time was that?	A. It was about 5:30 or 6:00.
31	Q. Did you see the man's face?	A. Yes, I did.
32	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
33	Q. Did you see him again?	A. Yes, I did.
34	Q. What time was that?	A. It was about 6:30 or 7:00.
35	Q. Did you see the man's face?	A. Yes, I did.
36	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
37	Q. Did you see him again?	A. Yes, I did.
38	Q. What time was that?	A. It was about 7:30 or 8:00.
39	Q. Did you see the man's face?	A. Yes, I did.
40	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
41	Q. Did you see him again?	A. Yes, I did.
42	Q. What time was that?	A. It was about 8:30 or 9:00.
43	Q. Did you see the man's face?	A. Yes, I did.
44	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
45	Q. Did you see him again?	A. Yes, I did.
46	Q. What time was that?	A. It was about 9:30 or 10:00.
47	Q. Did you see the man's face?	A. Yes, I did.
48	Q. What did he look like?	A. He was a white man, about 30 years old, with short hair.
49	Q. Did you see him again?	A. Yes, I did.
50	Q. What time was that?	A. It was about 10:30 or 11:00.



1 Q. He would not double cross
2 you?

3 A. No.

4 Q. Why didn't you say: "Certainly
5 Mr. Graham, what is it you want to know? I
6 will try to help you"?

7 A. I mean, I did tell him
8 certain things.

9 Q. No, no, no, no. He
10 wanted you to make a statement?

11 A. I refused to make a
12 statement.

13 Q. He wanted you to clear up
14 two or three things, and clear them up by
15 making the statement, and you said you preferred
16 not to?

17 A. I mean, verbally I gave
18 him a statement. But a statement is a written
19 statement.

20 Q. Yes?

21 A. And I declined to make a
22 written statement?

23 Q. Why?

24 A. I did not feel it was my
25 duty to make one.

26 Q. You had nothing to hide?
27 And you could be frank, and forthright?

28 A. I had nothing to hide.

29 Q. You could sit down and say:
30



THE UNIVERSITY OF CHICAGO

1. The first part of the paper is devoted to a discussion of the

method

2. The second part of the paper is devoted to a discussion of the

results of the experiments which have been carried out

in the laboratory of the University of Chicago

3. The third part of the paper is devoted to a discussion of the

conclusions

4. The fourth part of the paper is devoted to a discussion of the

implications of the results of the experiments

5. The fifth part of the paper is devoted to a discussion of the

conclusions

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implications of the results of the experiments

7. The seventh part of the paper is devoted to a discussion of the

conclusions

8. The eighth part of the paper is devoted to a discussion of the

implications of the results of the experiments

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implications of the results of the experiments

11. The eleventh part of the paper is devoted to a discussion of the

conclusions

12. The twelfth part of the paper is devoted to a discussion of the

implications of the results of the experiments

13. The thirteenth part of the paper is devoted to a discussion of the

conclusions

14. The fourteenth part of the paper is devoted to a discussion of the

implications of the results of the experiments



1 "Sure, Mr. Graham, I have no reason for not
2 giving you a ~~xxxx~~ written statement, on everything
3 I know?"

4 A. It did not appeal to me
5 that way.

6 Q. It did not appeal to you?

7 A. No sir.

8 Q. Why?

9 A. Well, I don't know either
10 way, why.

11 Q. you cannot tell me that?

12 A. No, I cannot sir.

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14
15 ---Whereupon the Commission adjourned for
16 lunch.

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23 (Page 8925 follows)
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---On resuming at 2:34 p.m.

THE REGISTRAR: Mr. Cronin?

MR. WILSON: That is right.

J. F. CRONIN, witness stand:

MR. WILSON: I have no further questions, Mr. Commissioner.

THE COMMISSIONER: Mr. Mackinnon?

EXAMINED BY MR. MACKINNON:

Q I take it you remember, witness, when you first went to look at 1508 Kenneth Drive, before you purchased it from Mrs. Taylor?

A. If I remember doing that, sir?

Q. Yes?

A. Yes, I do, sir.

Q. Yes. You told us about your son. When was he born?

A. 1944, sir.

Q. 1944?

A. Yes, sir.

Q. Have you more than one child?

A. No, one child, sir.

Q. And you remember attending at the model home in this development where 1508 Kenneth Drive was located, and you picked up



—The following is the text—

1891

THE LANCET, 1891

1891, 1892, 1893, 1894, 1895

1896, 1897, 1898, 1899, 1900

1901, 1902, 1903, 1904, 1905

1906, 1907, 1908, 1909, 1910

1911, 1912, 1913, 1914, 1915

1916, 1917, 1918, 1919, 1920

2. I have in my possession, without

your written consent, the following

document, which you have in your

possession

2. I have in my possession, without

your

2. I have in my possession, without

your

2. I have in my possession, without

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2. I have in my possession, without

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2. I have in my possession, without

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your



1 the real estate agent who was to take you to
2 Mrs. Edwards home?

3 A. Yes, I believe I do, sir.

4 Q. And you attended there with your
5 wife and child, is that correct?

6 A. I don't recall the child, but
7 certainly my wife.

8 Q. Your wife; and your son at that
9 time would be approximately 12 years old,
10 is that correct?

11 A. That would be 1936.

12 Q. Yes?

13 A. And this is -- it would be 6
14 years....

15 Q. He was born in 1944?

16 A. Yes, 12 years old, sir.

17 Q. What is your wife's maiden name?

18 A. Marguerite.

19 Q. Her last name?

20 A. Oh. Lindsay.

21 Q. Pardon?

22 A. Lindsay. Lindsay.

23 Q. And did you not tell the real
24 estate agent that you had been advised of
25 this house by Mr. McDermott?

26 A. No, I didn't, sir.

27 Q. You so swear?

28 A. Yes, I so swear.

29 Q. And had you not come from Mr.
30 McDermott's home just at that time?



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and the second volume in 1876
the third volume was published in 1877
and the fourth volume in 1878
the fifth volume was published in 1879
and the sixth volume in 1880
the seventh volume was published in 1881
and the eighth volume in 1882
the ninth volume was published in 1883
and the tenth volume in 1884
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and the twelfth volume in 1886
the thirteenth volume was published in 1887
and the fourteenth volume in 1888
the fifteenth volume was published in 1889
and the sixteenth volume in 1890
the seventeenth volume was published in 1891
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the nineteenth volume was published in 1893
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the twenty-first volume was published in 1895
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and the twenty-sixth volume in 1900
the twenty-seventh volume was published in 1901
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the sixty-seventh volume was published in 1941
and the sixty-eighth volume in 1942
the sixty-ninth volume was published in 1943
and the seventieth volume in 1944
the seventy-first volume was published in 1945
and the seventy-second volume in 1946
the seventy-third volume was published in 1947
and the seventy-fourth volume in 1948
the seventy-fifth volume was published in 1949
and the seventy-sixth volume in 1950
the seventy-seventh volume was published in 1951
and the seventy-eighth volume in 1952
the seventy-ninth volume was published in 1953
and the eightieth volume in 1954
the eighty-first volume was published in 1955
and the eighty-second volume in 1956
the eighty-third volume was published in 1957
and the eighty-fourth volume in 1958
the eighty-fifth volume was published in 1959
and the eighty-sixth volume in 1960
the eighty-seventh volume was published in 1961
and the eighty-eighth volume in 1962
the eighty-ninth volume was published in 1963
and the ninetieth volume in 1964
the ninety-first volume was published in 1965
and the ninety-second volume in 1966
the ninety-third volume was published in 1967
and the ninety-fourth volume in 1968
the ninety-fifth volume was published in 1969
and the ninety-sixth volume in 1970
the ninety-seventh volume was published in 1971
and the ninety-eighth volume in 1972
the ninety-ninth volume was published in 1973
and the hundredth volume in 1974



1 A. No, I hadn't, sir.

2 Q. What is Mrs. McDermott's maiden
3 name?

4 A. Silkestone.

5 Q. Silkestone?

6 A. That is right, sir.

7 Q. And did you not tell the real
8 estate agent at that time that you, through
9 your wife, were related by marriage to the
10 McDermott's?

11 A. Definitely not, sir. Absolutely
12 not.

13 Q. Do you swear that in no way
14 you or your wife are related to either Mr.
15 or Mrs. McDermott?

16 A. Definitely not, sir.

17 Q. And you state that you had not
18 come from their place?

19 A. I had not, sir.

20 Q. I see. At that time....

21 THE COMMISSIONER: Come from their
22 place to look at the house?

23 MR. MACKINNON: To look at the house.

24 A. That is right, sir.

25 Q. And do you state that at that
26 time you did not know McDermott to visit him?

27 A. Definitely not, sir. I didn't
28 know where McDermott lived.

29 Q. Well, we will come to that --
30 come back to that later. Now, going back to



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1 1954, when you left the Branch, you did have
2 an interview with the Commissioner, didn't
3 you?

4 A. Yes, I did, sir.

5 Q. Yes. And did he advise you, or
6 was it suggested to you in this interview,
7 that he had received information that if
8 matters continued as they were you, Cronin,
9 would be able to retire within a year?

10 A. Definitely not. The Commissioner
11 never made that statement, sir.

12 Q. Did anyone else make that statement
13 to you?

14 A. No, sir.

15 Q. Did you know that the Commissioner
16 had such information?

17 A. No, I wouldn't know, sir.

18 Q. And that was not mentioned to
19 you?

20 A. Definitely not.

21 Q. But you had your suspicions,
22 apparently?

23 A. No, I hadn't my suspicions.

24 Q. Well, you told us you went back
25 to see the Commissioner, and asked him why
26 you were transferred?

27 A. After reading it in the paper.

28 Q. I see. It was what you read
29 in the paper that aroused your suspicions as
30 to why you had been transferred?



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1 A. That is right, sir.

2 Q. And apparently very shortly after
3 you were transferred you must have made plans
4 to go into the motel business?

5 A. I had been -- I had been deciding
6 about going in the motel business before that,
7 sir.

8 Q. And had you been negotiating
9 with some person before that?

10 A. No, I hadn't.

11 Q. Well, you purchased the motel
12 on June the 19th, 1954? That is correct?

13 A. June 29th, sir.

14 Q. Well, sorry, June 29th?

15 A. Right, sir.

16 Q. 1954?

17 A. Right.

18 Q. And would have had to sign an
19 Offer to Purchase some time before that, at
20 least?

21 A. I would think so.

22 Q. Yes. And you spent a little time
23 looking around before that?

24 A. Yes, that is right, sir.

25 Q. So it would be pretty soon after
26 -- well, maybe I better ask you this question:
27 When did you first meet your partner, Zaycek?

28 A. I would say 3 or 4 years before
29 that.

30 Q. And under what circumstances?



1 A. The whole Branch knows Mr. Kayock.
2 We used to stay....

3 THE COMMISSIONER: Never mind. When
4 did you first meet him was the question.

5 A. Well, that would be about 3 or
6 4 years, Mr. Commissioner.

7 MR. MACKINNON: And where did you
8 meet him?

9 A. At his motel in Niagara Falls.

10 Q. I see. And do you know whether
11 -- did he have any criminal record in the
12 United States?

13 A. I would say he hasn't got any,
14 to my knowledge, and I would be very surprised
15 if he has, sir.

16 Q. And how did you become friendly
17 with him?

18 A. Because we always stayed at his
19 motel when we were in Niagara Falls, the whole
20 Branch, VonLuben, Anderson....

21 Q. When did you start negotiating
22 this partnership arrangement with him?

23 A. Well, I took some time off when
24 the -- when I was called over and transferred
25 to the Unsatisfied Judgment Department, I
26 took some time off, and I certainly contacted
27 him. I couldn't give you the date, sir.

28 Q. And what led you to him par-
29 ticularly?

30 A. Because....

[illegible]



1 Q. To form a partnership with?

2 A. Well, knowing he had sold his
3 motel, and I knew he wasn't working, and I felt
4 he knew the motel business.

5 Q. When did he sell his motel?

6 A. I don't know, sir.

7 Q. Some 2 years before?

8 A. No, not some years; possibly
9 a year.

10 Q. And had you ever met him, at
11 that stage, in company with either McDermott
12 or Feeley?

13 A. Definitely not, sir, and he
14 wouldn't know McDermott or Feeley.

15 Q. Well, we will -- we will get
16 that from him. Then did you sign a partnership
17 agreement of some kind?

18 A. Yes, I did, sir.

19 Q. Before you bought the house -- or
20 bought the motel?

21 A. No, sir.

22 Q. No. How did you make arrangements
23 to pay for this motel, you not having any
24 partnership agreement signed?

25 A. How did I make arrangements to
26 pay for the motel?

27 Q. Yes? There was a deposit, a very
28 substantial deposit paid?

29 A. Yes.

30 Q. Yes. Who paid that?



1. The first of the three

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30. The thirtieth of the three



1 A. I don't recall. You mean the
2 down payment? I paid my share, and he....

3 Q. I am asking about the deposit.
4 We will stick to one thing at a time.

5 A. I don't know about the deposit,
6 sir.

7 Q. You may have paid it yourself?

8 A. No, I don't think so, sir.

9 Q. Well, how was it paid? Did you
10 go over to Niagara Falls and pick up the
11 money from him, or what?

12 A. No, I definitely did not touch
13 his money in any way shape or form.

14 Q. You don't know how he made his
15 payment?

16 A. No, I don't.

17 Q. And then, when you got to the
18 closing of the transaction -- when did you say
19 was acting for you on this?

20 A. Mr. Ross.

21 Q. And this was -- he was in
22 Toronto?

23 A. Right, sir, and known to my
24 partner, not to me.

25 Q. And how was it closed in Kingston?

26 THE COMMISSIONER: Now, identify Mr.
27 Ross.

28 MR. MACKINNON: Yes. We have already
29 had him identified. I have forgotten his name.

30 A. So have I, sir, but it is not this



0255

2. I am not a being and you not a

some 5000 yd long, 300 yd wide, 100 ft

1944-1945

DATE OF 22nd 1894

and may still occur in combination with the following:



1 Mr. Rose.

2 Q. Allan Rose?

3 A. Allan Rose is right.

4 Q. And did he go down to Kingston
5 to close the deal?

6 A. Yes.

7 Q. Did you go down with him?

8 A. I was down there.

9 Q. You were down there?

10 A. Yes.

11 Q. You hadn't left the Branch yet?

12 A. You mean my resignation hadn't
13 gone into effect?

14 Q. Hadn't gone into effect?

15 A. I operated the motel for a month
16 before my resignation went into effect.

17 Q. You quit the Branch before June
18 29th?

19 A. Oh, I was gone from -- I was gone
20 before that time.

21 Q. I believe you told us your resign-
22 ation took place effective July 19th?

23 A. Right, sir, and I had bought the
24 motel.

25 Q. I know you had bought the motel.

26 A. And was operating the motel.

27 Q. Then you were operating the
28 motel before your resignation took effect?

29 You had a month's holidays, or something like
30 that?



the house.

Q. What time?

A. About 11:30.

Q. And did he go down to the basement?

A. Yes, he went down.

Q. What?

A. He went down to the basement.

Q. I was down there.

A. Yes, I was down there.

Q. What?

A. The doctor's wife was down there.

Q. You mean my mother-in-law's?

A. Yes, she was.

Q. What's your son's name?

A. I operated the car for a month.

Q. What's your son's name?

A. He was the same name as me.

Q. What?

A. Oh, I was down there on a car.

Q. What time?

A. I believe you left at four or five.

Q. What time did you leave?

A. About 4:30, and I had brought the

car.

Q. I know you had brought the car.

A. And was down there the night.

Q. What was your name?

A. I was the same name as me.

Q. You had a car, a doctor's car, or something like

that.



1 A. I assume that is what it was.

2 I have assumed that. I think it was accumulated
3 sick leave, and possibly a portion of an annual
4 leave.

5 Q. Was Zayack operating it with
6 you?

7 A. Yes, she was, sir.

8 Q. I was just wondering why his
9 name did not appear on the Offer to Purchase?

10 A. I don't know why. I never
11 noticed the Offer to Purchase, but certainly....

12 Q. You signed it.

13 A. Yes, I signed it.

14 Q. Well, could I have -- I don't
15 think it has been shown to him. Is it filed
16 there? It is in the folder. Maybe I just
17 better show to you the Offer to Purchase,
18 witness.

19 THE COMMISSIONER: 238.

20 MR. MACKENSON: Exhibit 238. Yes,
21 it is part of Exhibit 238, and I am taking
22 it out of the folder, witness. It is on
23 the heading of Kidout Real Estate Limited,
24 and it says 'The undersigned, J. Cronin',
25 and everything else is typed in, ^{and} there is
26 a second page. There is only one name,
27 John F. Cronin purchaser, and the affidavit
28 of execution has been made.

29 THE COMMISSIONER: What is the date
30 of the Offer, Mr.....



1. I have been in the city for some time.

2. I have been in the city for some time.

3. I have been in the city for some time.

4. I have been in the city for some time.

5. I have been in the city for some time.

6. I have been in the city for some time.

7. I have been in the city for some time.

8. I have been in the city for some time.

9. I have been in the city for some time.

10. I have been in the city for some time.

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22. I have been in the city for some time.

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26. I have been in the city for some time.

27. I have been in the city for some time.

28. I have been in the city for some time.

29. I have been in the city for some time.

30. I have been in the city for some time.



1 MR. MACKINNON: The date of the Offer
2 is the 17th of June, 1954, and it is to be
3 completed on or before the 30th of June, 1954,
4 and attached to the Offer is an inventory of
5 items which are in the motel, and on the back
6 of the Offer it says: 'We, the undersigned --
7 or I/we the undersigned hereby acknowledge
8 receipt of the copy of the agreement', and
9 the purchaser's signature I see is John F.
10 Cronin, and the vendor's signature is on
11 there as O. Hirsch?

12 A. Right, sir.

13 Q. H-i-r-s-c-h. Now, just look at
14 that.

15 THE COMMISSIONER: How do you spell
16 that?

17 MR. MACKINNON: H-i-r-s-c-h.

18 A. Well, really, ^{sir,} that is what I see
19 here, and I mean I....

20 Q. Is that your signature?

21 A. Yes. Wait till I see, sir.

22 Q. On the second page, and then on
23 the back?

24 A. It is, sir.

25 Q. On the back of the second page?

26 A. That is right, sir.

27 Q. And that acknowledges that you
28 received a copy of the Offer, isn't that right,
29 witness?

30 A. Yes.



1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the
6. sixth of these is the fact that the
7. seventh of these is the fact that the
8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the



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Q. Yes?

A. That is right.

Q. So you would be in no doubt as to what this Offer contained, then, if you even got a copy of it?

A. What the Offer contained?

Q. That is right? It appeared that there was only your name on it?

A. Well, I didn't know there was only my name on it. I didn't know there was only my name on it.

Q. You must have read it?

A. When we were negotiating, the thing started out quite high on the motel, and we were negotiating with the vendor, and it is quite possible that -- I know we stayed in Kingston, went down to Kingston and stayed there.

Q. Who is we?

A. Mr. Zaycek and myself, and the real estate agent, and we stayed at the Princess Motor Court. Now, it is quite possible that my partner had to go back to Niagara Falls while I saw the people, that we decided we would go as high as 115,000, and it is quite possible that Mrs. Zaycek typed that out, and had me sign it and offer it to the vendor, but....

THE COMMISSIONER: Did she type it out?



1. The first

2. The second

3. The third

4. The fourth

5. The fifth

6. The sixth

7. The seventh

8. The eighth

9. The ninth

10. The tenth

11. The eleventh

12. The twelfth

13. The thirteenth

14. The fourteenth

15. The fifteenth

16. The sixteenth

17. The seventeenth

18. The eighteenth

19. The nineteenth

20. The twentieth

21. The twenty-first

22. The twenty-second

23. The twenty-third

24. The twenty-fourth

25. The twenty-fifth

26. The twenty-sixth

27. The twenty-seventh

28. The twenty-eighth

29. The twenty-ninth

30. The thirtieth



1 A. Oh, I think so, sir. I would
2 think so. She certainly brought it to me;
3 but from the very first day that we got
4 possession of the motel, my partner, Mr.
5 Zaycek, definitely was a partner.

6 Q. In any event, although you
7 got a copy of this Offer, and you admit you
8 signed it, your name alone is shown as pur-
9 chaser, you can only say, 'Well, maybe you
10 had to sign because Mr. Zaycek, who was
11 unemployed at the time, wasn't there'?

12 A. No, I didn't say that he was
13 unemployed.

14 Q. You said he sold his motel?

15 A. Yes, that is right.

16 Q. And would be looking for another
17 one?

18 A. No. I had quite a job talking
19 him, as a matter of fact, out of retirement
20 and coming into the motel.

21 Q. What ^{was} ~~was~~ he retired from?

22 A. He had sold his motel, income
23 from the motel, and his home in Niagara
24 Falls.

25 Q. He was unemployed then?

26 A. Yes.

27 Q. All right. Just listen to my
28 questions, and answer them. Did he have to
29 back to collect his coupons, did he?

30 A. No, no.



Q. Now, I think on, Sir, I think

about the same, but I think it is not

but from the very fact that we are

convinced of the fact of the fact, Sir,

I think, Sir, I think, Sir,

Q. Now, I think, Sir, I think, Sir,

but I think, Sir, I think, Sir,

about the same, but I think it is not

about the same, but I think it is not

about the same, but I think it is not

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

about the same, but I think it is not

about the same, but I think it is not

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,

about the same, but I think it is not

about the same, but I think it is not

about the same, but I think it is not

Q. Now, I think, Sir, I think, Sir,



1 Q. Or income? Why wouldn't he
2 be there to sign this Offer?

3 A. Because that went on two or
4 three days.

5 Q. Pardon?

6 A. It went on two or three days,
7 the Offer. We negotiated back and forth
8 two or three days.

9 Q. Why couldn't he stay there,
10 as well as yourself, that is what I am asking?

11 A. Well, I mean that the....

12 Q. You had a job at that time?

13 A. That is right, sir.

14 Q. Why would you be able to be away
15 from the job?

16 A. Well, I have told you, I was
17 on sick leave, I think, or annual leave.
18 Now, I am not sure which, but if that is my
19 diary it will show.

20 Q. No, but this is prior to the
21 closing date? This is prior to the date on
22 the Offer to Purchase we are talking about,
23 at least before June 17th, 1956?

24 A. Well, I am sure....

25 Q. 1954?

26 A.sir, that I stayed in Kingston
27 several days, and I am sure that I was not on
28 duty.

29 Q. Are you sure you weren't the one
30 who was putting all the money into this?



1. The company was founded in 1900.
2. The first office was located in New York.
3. The company has since expanded its operations.
4. It now has offices in many other cities.
5. The company is known for its high quality products.
6. It has a long history of service to its customers.
7. The company is committed to excellence in everything it does.
8. It has a strong reputation for reliability and integrity.
9. The company is a leader in its industry.
10. It has a proven track record of success.
11. The company is a member of several industry associations.
12. It is committed to staying current in its field.
13. The company has a strong focus on research and development.
14. It is always looking for ways to improve its products and services.
15. The company is a trusted partner for its clients.
16. It has a proven ability to deliver on its promises.
17. The company is a true leader in its field.
18. It has a proven track record of success.
19. The company is a member of several industry associations.
20. It is committed to staying current in its field.
21. The company has a strong focus on research and development.
22. It is always looking for ways to improve its products and services.
23. The company is a trusted partner for its clients.
24. It has a proven ability to deliver on its promises.
25. The company is a true leader in its field.



1 A. I am definitely sure that I am
2 not the one, and I would assume now, because
3 there has been some talk about certified
4 cheques, 2 \$12,000.00 cheques, now, as I -- as I
5 recall, and my accountant was here yesterday,
6 and I haven't discussed this with him, and I
7 am not going to discuss it with him, I assume
8 he put a 12,500 certified cheque in,
9 and he borrowed 12,500 from his wife, and you
10 will find that is where the two certified
11 cheques are from.

12 Q. I am asking you now -- the first
13 thing I asked you about was the \$20,000.00
14 deposit, and you, as the sole purchaser, would
15 be required to make that up when you handed
16 this offer in and executed it?

17 A. I don't recall that, sir.

18 THE COMMISSIONER: You don't recall?

19 A. No, I definitely do not recall.

20 MR. MACKINNON: And you don't know
21 how it was paid?

22 A. No. The \$20,000.00?

23 Q. That is right?

24 A. I don't, sir.

25 Q. It shows the cash is struck out,
26 and it says 'payable by cheque'?

27 A. Well, certainly....

28 Q. Now, what bank account would
29 that come from?

30 A. I have no bank account, or no



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1 bank account at that time over \$2,000.00,
2 if I had \$2,000.00.

3 Q Well, just look at it. It says
4 payable cash or cheque, and the cash is struck
5 out.

6 A Mr. MacKinnon, I said under oath
7 here the other day, and I will say it again,
8 that I issued no cheque in connection with
9 this motel.

10 Q That may be quite right. Per-
11 haps you haven't that in the bank accounts, but
12 I just wanted to see whether that is a correct
13 statement. You paid it all in cash, then?

14 A My part of the payment, \$25,000.00,
15 I paid in cash.

16 Q Just forget the \$20,000.00 --
17 \$25,000.00, until I ask you. Listen to my
18 question. I am talking about the deposit
19 of 30,000, which is 2 weeks before the 25,000.

20 A I don't recall any portion that
21 I paid.

22 Q You think you didn't even pay
23 part of the deposit?

24 A No, I am not saying that. I don't
25 recall it.

26 Q And this cheque, whatever it
27 would be, would be made payable to the real
28 estate agent, would it?

29 A I don't know anything about it.

30 Q Well, Mrs. Zaycek, did she not



1 live in Niagara Falls too?

2 A. Yes.

3 Q. And was she an agent for Bidout
4 Real Estate?

5 A. I shouldn't say that she lived
6 in Niagara Falls; she worked out of the Toronto
7 office.

8 Q. Did she commute to Niagara
9 Falls?

10 A. I think on the weekends, and stayed
11 in Toronto the rest of the time. Now, I won't
12 say. I don't know.

13 Q. And then she moved down with Mr.
14 Zayack, did she to the motel?

15 A. No, sir. She is in British
16 Columbia.

17 Q. She is in British Columbia?

18 A. And has been for a good number
19 of years.

20 Q. Pardon?

21 A. And has been for a good number
22 of years.

23 Q. She never moved down to the
24 motel?

25 A. Never, sir.

26 Q. And it was after you purchased
27 the motel that you signed this partnership
28 agreement?

29 A. Right, sir.

30 Q. Is that correct?



THE UNIVERSITY OF CHICAGO

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A. Right, sir.

THE COMMISSIONER: Now....

MR. MACKINNON: It is in already, sir, as part of this whole exhibit.

THE COMMISSIONER: Well, I know, but....

MR. MACKINNON: Would you like it as a....

THE COMMISSIONER: I think we better mark it.

MR. MACKINNON: It comes out of Exhibit 238.

THE COMMISSIONER: Yes. Well, make it 238-A.

MR. MACKINNON: 238-A. All right.

EXHIBIT NO. 238-A: Offer to Purchase dated June 17, 1954, between J. Cronin and O. Michas (formerly part of Exhibit 238.)

MR. MACKINNON: I take it from the years 1944 to 1954, or indeed from the -- from the dates that -- the date that you first began working for the Ontario Provincial Police, January the 1st, 1942, you paid Income Tax?

A. Yes, I did, sir.

Q. That would be deducted, would it, at the source, by the....

A. Yes, right, sir.

Q. Yes. And you paid Income Tax throughout?

A. I did, sir.



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1 Q And did you at any time make
2 declarations on your Income Tax as to any
3 other income you received?

4 A Yes, I did, sir.

5 Q You did?

6 A Yes, definitely.

7 Q And what was that?

8 A My wife's earnings.

9 Q Did she file a separate Income
10 Tax return?

11 A That I can't say, sir. I have
12 forgotten; but certainly I would take my
13 Income Tax, with the deductions that I would
14 get, and take it down to the Department, and
15 square it up with them.

16 Q Have you copies of your Income
17 Tax returns?

18 A No, I haven't. I haven't.

19 Q You haven't got them?

20 A No, I don't, sir.

21 Q This is what you say you would
22 do?

23 A What is that, sir?

24 Q That you would take it down
25 to the....

26 A I'd take....

27 QIncome Tax Department?

28 A Yes, that is right, sir.

29 Q But you don't know whether your
30 wife made a separate Income Tax return or not?



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1 A. I would think not. I would take her
2 form down with me.

3 Q. Well, she was doing a clerk's
4 work, wasn't she?

5 A. Which is that?

6 Q. Clerking in the store, you said?

7 A. In some of them, yes.

8 Q. And I think you did say this is
9 steady employment?

10 A. Yes, it would be considered
11 steady employment, although she didn't work
12 continuous that whole ten years.

13 Q. Who did she have looking after
14 your child?

15 A. He stayed out at my parents,
16 my father and mother, for quite a few years.

17 (page 8945 follows)

18
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...and ...



1

Q. All year round?

2

A. No, not all the year round

3

but the majority of the time.

4

Q. Where did he go to school?

5

A. He started at Pope Avenue.

6

Q. When he was going to school

7

your wife was working?

8

A. Yes.

9

Q. Did she have anybody at home

10

to look after him?

11

A. No.

12

Q. Before he went to school?

13

you said he spent his time with his grandparents?

14

A. Yes

15

Q. In the summer months?

16

A. Only the summer months and we

17

would go and see him on weekends.

18

THE COMMISSIONER: You have only one

19

child?

20

A. Yes.

21

MR. MCKINNON: Q. I suppose you

22

are aware your figures just do not jibe when

23

they are added up?

24

A. No, I don't.

25

Q. Maybe we can explore that

26

with Exhibit 18. This is your gross salary

27

before income tax and it would total something

28

like \$33,000 for the full period?

29

A. That could be.

30



J.F.Crenin

8946

1 THE COMMISSIONER: Q. That is gross.

2 MR. WILSON: That is for the full
3 period from 1942. I have added another
4 \$4,000 on, sir. It is \$29,000 and to this
5 exhibit I have added another \$2,000.

6 THE COMMISSIONER: How much is it?

7 MR. WILSON: \$33,409 approximately.
8 That is gross, sir, and I want to emphasise
9 that is before taxes and deductions for
10 hospitalization or unemployment insurance or
11 any bonds you were buying. Is that right?

12 THE WITNESS: Yes.

13 MR. WILSON: Did you pay for
14 bonds?

15 A. Yes.

16 Q. These deductions would come
17 off your salary, I gather?

18 A. Yes.

19 Q. You told us something about
20 annuities?

21 A. Yes.

22 Q. These deductions would also
23 come off your salary?

24 A. No.

25 Q. They came out of your income?

26 A. No.

27 Q. They came out of your income,
28 didn't they? You bought them separately,
29 they didn't come out of your office?
30



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There is nothing more and nothing less

WINDS: 10-15 THE WIND

1940-1941

From the time that I was born I have been blind.



J.F.Cronin

8947

1 A. No, it was a Federal annuity.

2 Q. You bought it yourself?

3 A. Yes, I went down to the
4 post office and bought it.

5 Q. I am sorry, I think I gave you
6 a little too much for your first year. Your
7 net income for 1942 was \$1,357.72?

8 THE COMMISSIONER: Is that net?

9 A. Yes.

10 THE COMMISSIONER: You are not
11 adding that to the gross?

12 MR. WILSON: The gross was \$1,387.84.

13 THE WITNESS: That is not right.

14 MR. MacKINNON: Q. How do you know?

15 A. That might be my basic
16 salary but we got a - - -

17 THE COMMISSIONER: Do you mean a bonus?

18 A. No, a cost of living allowance.

19 MR. MacKINNON: Q. It is a bonus
20 ^{there} and was your superannuation and there is nothing
21 under these headings at all?

22 A. Yes, there certainly was,
23 I think it was \$50. That is the allowance for
24 a special constable.

25 THE COMMISSIONER: I would like to know
26 what his gross earnings were for the whole twelve
27 years.

28 MR. MacKINNON: You will have to add
29 these two years, sir.
30



(Faint, illegible handwriting)

Oct 10 1901



1 THE COMMISSIONER: You do the adding.

2 MR. WILSON: Sir, I will have those
3 figures for you in a minute.

4 It is \$1507.84 for the year 1942,
5 and it is \$1,584.71 and this is of course for
6 the year 1943.

7 THE COMMISSIONER: Added to Exhibit
8 No. 218 can you give me the total?

9 MR. MacKINNON: It is roughly \$33,459.15,
10 gross.

11 THE COMMISSIONER: That is for the
12 period 1942 to 1954?

13 MR. MacKINNON: That is right, sir.
14 I am not guaranteeing these figures.

15 THE COMMISSIONER: Well, I am sure
16 somebody will check your arithmetic.

17 MR. MacKINNON: Yes, sir, I am sorry,
18 I am \$1,000 out. It is \$32,459.

19 THE COMMISSIONER: Yes?

20 MR. MacKINNON: Q. You told us,
21 Witness, that during this period of time you
22 were hiding your own money, your own income
23 away in bottles underneath your father's garage
24 and living on your wife's income?

25 A. Pretty well.

26 THE COMMISSIONER: Pretty well?

27 A. Yes.

28 Q. What does that mean?

29 A. Actually I had a job for four
30

[illegible]



1 years with the Canada Steamship lines in
2 addition to my job with the police.

3 Q. That was against police
4 regulations?

5 A. Not during the war. At that
6 time I was allowed to work twenty-nine hours
7 a week.

8 Q. When was that?

9 A. In 1942, 1943, 1944 and 1945
10 and I paid income tax in full on a special form
11 at the Canada Steamship Lines.

12 THE COMMISSIONER: What were you doing?

13 A. I was unloading ships and
14 loading them.

15 Q. Have you any idea how much
16 you earned?

17 A. No, sir.

18 MR. MacKINNON:

19 Q. You used that money to help
20 you along together with your wife's income?

21 A. That is right. May I say
22 that at the house on Wellesley Street, I paid
23 \$40. a month, for heat, accommodation and
24 everything and above that we had one room rented
25 to a girl. I can't think of her name now, but
26 I remember that.

27 Q. What year would that be?

28 A. I think it was 1945 and
29 that would be in 1942 and 1943 and up until
30 most of 1945.

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I always find time to think of my friends. I hope to hear from you soon. I am always yours truly,



1
2 MR. MacKINNON: Q. Did you go on
3 holidays?

4 A. Yes.

5 Q. Where did you go?

6 A. To Parry Sound.

7 Q. What did you have there -
8 did you rent a cottage?

9 A. Yes.

10 Q. Did you ever meet Clayton
11 Kehoe?

12 A. No, I wouldn't know him today.

13 Q. How long did you go for?

14 A. I don't know what my wife's
15 holidays were, I don't know what her husband's
16 holidays were - - maybe two or three weeks.

17 Q. You took your son with you?

18 A. Yes.

19 Q. Did you ever go out of the
20 Province of Ontario on these occasions during
21 these years up until you left the Force?

22 A. Yes.

23 Q. Where would you go?

24 A. Through
25 the States to Kenora and
26 Sault

27 I would cross over to St. Marie. I understand
28 you had asked me if I had left the Province.

29 Q. Yes.

30 A. I crossed over from Detroit.

Q. Would this be in addition
to your vacations in Parry Sound?



THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

August 1925

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 22nd inst. in relation to the matter of the purchase of the book "The History of the Art of the Book" by Sir John G. Gower, and to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours truly,
[Signature]

Enclosed for you are two copies of the report of the Committee on the purchase of the book, and a copy of the letter of the 22nd inst. from the Committee to the Board of Trustees.

I am, Sir, very respectfully,
Yours truly,
[Signature]



1 A. No, if I went there I
2 visited relatives.

3 Q. Who?

4 A. My wife's people.

5 Q. Did you ever go out of the
6 country; did you ever spend your vacation
7 in any other province?

8 A. No, sir.

9 Q. Or in the United States?

10 A. What do you mean? Do you
11 mean in the winter time?

12 Q. Any time?

13 A. On a job.

14 Q. While you were with the
15 Ontario Provincial Police?

16 A. No, I didn't.

17 Q. You told us you had three
18 addresses and I know where two of them are.
19 Where is the third one?

20 A. That is the cottage in
21 Parry Sound.

22 Q. Do you own any property in the
23 United States?

24 A. No, sir.

25 Q. Do you have any interest in
26 any property there?

27 A. No, sir.

28 Q. Do you have any property other
29 than what you have told us about ?
30



1941

January, 1941

I have been thinking

of the things

that

have been

in my mind

and I have been

thinking of

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things that

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J.F.Gronin

8952

1 A. No, and I haven't anything
2 in the world. I haven't anything in finances
3 or bonds or anything else except what I have
4 told you.

5 Q. Now, you told us you had
6 saved somewhere around \$35,000 while you were
7 with the Ontario Provincial Police?

8 A. Yes, \$30,000 to \$35,000.

9 Q. I have shown your gross
10 income for the years and it amounted to \$32,400-odd?

11 A. Yes.

12 Q. I take it you own a car?

13 A. Part of the time.

14 Q. And you own furniture?

15 A. Yes.

16 Q. And you had houses you were
17 buying and selling?

18 A. That is right, and I also
19 made a profit on them.

20 Q. And with all these expenditures
21 I take it you were clothing your wife and child?

22 A. Yes, along with her salary.

23 Q. You were living on her
24 salary of \$35.00 a week?

25 A. Yes.

26 Q. Did you pay your parents
27 anything?

28 A. Yes, there was no set rate
29 but I certainly would give them something.
30



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1 Q. What would you give them?

2 A. I would buy them something
3 at Christmas time and maybe give them something
4 when I would go home.

5 Q. Money?

6 A. No, but it is the same thing,
7 food or something.

8 Q. I see.

9 THE WITNESS: May I say, Mr. Roach,
10 that during that time, not that I made anything
11 out of it, but I was on an expense account.
12 My wife worked and she paid often, quite a
13 bit of the time and I was on an expense account
14 and it cost me very little to live.

15 Q. Your expense account could
16 not feed your wife and child?

17 A. No.

18 Q. Nor pay your rent?

19 A. No, I am not suggesting it
20 was sufficient.

21 Q. When you mentioned Ralph
22 Clark, you do know who he is?

23 A. Yes.

24 Q. Did you mention to him you
25 would pay, you would be prepared to pay him
26 a tip-off as remuneration?

27 A. Definitely not.

28 Q. You are sure of that?

29 A. Yes, very sure.
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that would be the case

I would not be surprised

at the result and I am sure

that I would be able

to do it

It is not in the least

likely to be

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J.F. Grenin

8954

1 Q. You never discussed the matter
2 of a tip-off with him in any shape or form,
3 either for or against?

4 A. No.

5 Q. Did you meet with him?

6 A. Do you mean did I have any
7 discussions?

8 Q. Yes.

9 A. I have arrested him.

10 Q. Did you meet him at any other
11 time other than your arrests?

12 A. No, sir.

13 THE COMMISSIONER: Are you sure of
14 that?

15 A. I may have run into him
16 somewhere but I have never had any discussions
17 with him.

18 MR. MACKINNON: If you ran into
19 him you didn't stop and chat with him?

20 A. I don't think so, I don't
21 remember and I don't think I would speak to him
22 either.

23 Q. I am now advised the total
24 has been made up for your income for the years
25 in question and the net return was \$28,330.
26 You must have been quite a saving person to
27 save \$30,000 to \$35,000 in those years working
28 for the Provincial Police at your income?

29 A. My wife was working and
30



of a long-continued and very severe nature.

Within the last few years

the following have been

found to be the case with

the few cases that I have

examined

the following

the following

the following

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1 I worked for the Canada Steamship Lines and
2 I also worked for the cemetery.

3 THE COMMISSIONER: Q. What were
4 you doing, cutting grass?

5 A. Cutting grass and digging
6 graves and doing anything.

7 MR. MacKINNON: Q. When was that?

8 A. I am not sure when it was.
9 I also worked for the Canada Steamship Lines.

10 Q. You were a corporal then?

11 A. I couldn't say that, sir.

12 Q. This was after the war was
13 over?

14 A. Yes.

15 Q. This would be against police
16 regulations?

17 A. It could be, yes.

18 Q. You would know it, wouldn't you?

19 A. I certainly knew they frowned
20 on it - they didn't approve of it.

21 Q. That is something like your
22 definition between "refuse" and "decline".

23 A. I am not saying it wasn't
24 against regulations. I assumed it was against
25 regulations.

26 Q. That is an assumption you

27 ~~make~~

28 A. Yes.

29 Q. You know that at the time?
30



THE UNIVERSITY OF CHICAGO

PH.D. THESIS

IN THE FIELD OF

THE HISTORY OF

THE UNITED STATES

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1 A. Yes, well - - -

2 THE COMMISSIONER: No. Let us be
3 frank.

4 A. I never had read it but I
5 was given to understand it was against regulations
6 but not during the war.

7 MR. MACKINNON: Q. We are not
8 talking about the war - - we have left the war
9 behind. We are now in the graveyard.

10 A. Yes.

11 Q. Now, about your cars. You
12 have told us about buying a motor vehicle in
13 1950?

14 A. Yes.

15 Q. When did you buy your next
16 car?

17 A. 1952.

18 Q. What kind of car?

19 A. A Pontiac.

20 Q. New?

21 A. Yes.

22 Q. Did you pay for that with
23 your wife's salary?

24 A. I don't recall what it was
25 paid out of.

26 Q. You paid cash?

27 A. Yes, along with the trade-in.

28 Q. You paid cash for your 1950
29 car?
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Q. Now, you say that you

are not sure of the date

about

A. I never saw him in my

life. I never saw him in my

life. I never saw him in my

Q. Now, you say that you

are not sure of the date

about

A. Yes.

Q. Now, you say that you

are not sure of the date

A. Yes.

Q. Now, you say that you

are not sure of the date

about

A. Yes.

Q. Now, you say that you

are not sure of the date

A. Yes.

Q. Now, you say that you

are not sure of the date

about

A. I never saw him in my

life.

Q. Now, you say that you

are not sure of the date

about

Yes.



1 A. Yes.

2 Q. Where did this money come
3 from? You were saving all your income,
4 you were building up \$35,000 in your cache, and
5 where was the money coming from for this new
6 motor vehicle in 1950, and again in 1952?

7 A. It certainly was not from
8 my earnings.

9 Q. No, because you put those
10 in the ground. You have to build them up
11 some way else and we will take \$30,000 as the
12 lower figure.

13 A. Yes.

14 Q. You say you put \$30,000 in
15 the ground and where did you get the money to
16 buy a new car?

17 A. I was working for four years
18 and my wife was making working.

19 Q. You have your living and your
20 wife has to be fed?

21 A. The car was part of my living.

22 Q. Out of the \$35, a week of
23 your wife's pay there was the annuity, your
24 wife's clothing, your holidays, your ^{kid's} kid's clothing
25 and food and buying cars. Is that what you want
26 us to believe?

27 A. I have a clothing allowance.

28 Q. What is it?

29 A. I think \$75.
30



Q. Now, you said that you saw the car on the street.

A. Yes, I saw the car on the street.

Q. And you said that you saw the car on the street.

A. Yes, I saw the car on the street.

Q. Now, you said that you saw the car on the street.

A. Yes, I saw the car on the street.

Q. Now, you said that you saw the car on the street.

A. Yes, I saw the car on the street.

Q. Now, you said that you saw the car on the street.

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A. Yes, I saw the car on the street.

Q. Now, you said that you saw the car on the street.

A. Yes, I saw the car on the street.

Q. Now, you said that you saw the car on the street.

A. Yes, I saw the car on the street.



1 Q. \$75.?

2 A. It is now, I know it is now,
3 but I don't know what it was then, it started
4 at \$75. and it went up.

5 Q. I was just told this morning
6 by a Provincial Police Constable that it
7 is \$75. now.

8 A. Yes.

9 Q. You wouldn't get very much
10 for \$75.?

11 A. I am very careful, I do not
12 have expensive clothes.

13 THE COMMISSIONER: What was your
14 wife's salary?

15 A. I assume it was \$35. a week, -
16 I assumed it was, I have no definite figure.

17 Q. What makes you think it was?

18 A. I think that was a fair
19 wage.

20 Q. You are only guessing?

21 A. It is what I estimate, sir.

22 MR. NACKINNOW: Q. And she quit
23 work in 1953?

24 A. Yes.

25 Q. And certainly she wasn't
26 working when the child was born?

27 A. No, sir.

28 Q. You paid the hospital and
29 doctor's expenses?
30

[illegible]



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A. Yes.

Q. Was that paid out of her salary or your earnings?

A. Out of her salary.

THE COMMISSIONER: Q. Out of what?

A. Out of both our salaries.

MR. MacKINNON: Q. Let us forget your salary; you put that into the ground, didn't you?

A. It definitely all didn't go into the ground.

MR. MacKINNON: Q. It must have for you to have \$30,000. You must have put it there or it grew there itself?

A. It didn't have to be my money exactly.

THE COMMISSIONER: Why?

A. My wife earned money too.

MR. MacKINNON: Q. You were living on it. Let us keep your story straight.

THE COMMISSIONER: Q. Do you say none of her money went into the ground?

A. No.

MR. MacKINNON: Q. Now, pay attention to what I am saying because this is important. Did any of her money go into the ground out in the country?

A. Her money didn't add to what I put in the ground.



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17. The seventeenth

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19. The nineteenth

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26. The twenty-sixth

27. The twenty-seventh

28. The twenty-eighth

29. The twenty-ninth

30. The thirtieth



J.V.Cronin

8963

1 MR. WILSON: None of her money went
2 into these glass jars?

3 A. No.

4 THE COMMISSIONER: It didn't? Is that
5 what I understand you to say?

6 A. It certainly didn't add to
7 what I put in the ground.

8 Q. It didn't form part of what
9 you put in the ground?

10 A. That is right, sir.

11 MR. MacKINNON: Q. What did you
12 pay for your car in 1950?

13 A. I think somewhere around
14 \$2,000 or 1800.

15 Q. And the next one?

16 A. It was pretty close to \$3,000.

17 Q. And you bought it in 1950
18 for about \$2,000 and traded it in in 1952?

19 A. Yes, sir.

20 Q. I take it your trade-in
21 allowance would be about \$1200?

22 A. I don't remember, sir,
23 but I know I would have got more for it if I
24 sold it privately.

25 Q. When you bought the car in 1950
26 did you pay \$2,000 cash?

27 A. Yes.

28 Q. Not by cheque?

29 A. Yes.

30



1941 23 MAR. 24

Page 14 of 20

Page 10 of 11

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

6 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.



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Q. I am asking you, not by cheque?

A. No, sir. The only way I could be sure is I didn't have that kind of money in the bank, and therefore it would have to be cash.

THE COMMISSIONER: Q. Where would you keep that cash?

A. I would accumulate that at the house.

Q. Over what period of time?

A. I don't recall any specific time. I certainly wouldn't borrow any money when I had \$2,000 to \$3,000.

Q. How often did you make trips to the Township of Albion; how often did you go out and dig up the ground and put more money in the jars?

A. I don't recall.

Q. How often would it be, would it be two or three times a week or once a year?

A. Yes.

Q. How many times?

A. Maybe once a year.

MR. MacKINNON: Q. This accumulation started in 1939, is that right?

A. I don't recall that but that is when I went on my own.



1899

THE UNIVERSITY OF CHICAGO



1 Q. Is that when you started
2 planting money in the ground?

3 A. I wouldn't say I first
4 buried money in the ground.

5 Q. When did you?

6 A. I don't recall, but it may have
7 been in 1929.

8 Q. Would it be in 1930 and 1931?

9 A. Yes it would.

10 Q. Then, these would be old
11 fashioned Canadian dollar bills?

12 A. Yes.

13 Q. You dug them up for the
14 first time in 1954?

15 A. Yes.

16 Q. When?

17 A. Several times.

18 Q. Would you go to your first
19 plantings or your last plantings when you wanted
20 money?

21 A. No, I dug up the money.

22 Q. This is a question that is
23 important, and I would like you to listen to it.
24 Would you come back to the money you put in
25 first or the money you put in more recently?
26 Apparently you dipped in now and again?

27 A. I don't recall ever taking
28 money out of the jars.

29 Q. I thought when I asked you
30



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I don't know, but it is

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1 when you started to take money out of the jars,
2 when you started to take money from there,
3 you said over a period of time. Is that not
4 so?

5 A. You asked me when I wanted
6 to plan something, did I take it out of the last
7 jar or the first jar. I didn't go there.

8 Q. You didn't go to that place
9 to take money until 1954?

10 A. That is right.

11 Q. Well, when did you go?

12 A. Certainly in maybe 1936 or
13 1937 I traded bills and I traded them after
14 1935. This is not the first time I have
15 mentioned this.

16 THE COMMISSIONER: Just do not be
17 so interested in the course of the examination.

18 THE WITNESS: I cannot produce
19 them today, but I can produce them.

20 MR. MACKINNON: Q. You traded
21 some of the old ones in?

22 A. I traded all the old ones.

23 Q. When?

24 A. Right up until 1940.

25 THE COMMISSIONER: Let us get
26 this quite clear for my edification. I cannot
27 quite follow this.

28 MR. MACKINNON: Q. You started to
29 bury money when?
30



சென்னை, 1993 ஆம் ஆண்டு பிப்ரவரி 15-ம் தேதி

you can't do that to make a good time any

There is no one in the world who is not a member of the Church of Jesus Christ of Latter-day Saints.

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A. In 1930 and 1931.

Q. When did you first take any money out of the jars?

A. I would think in 1936 or 1937 or it may have been 1938.

Q. How much did you take out?

A. I don't recall.

Q. Roughly how much?

A. I wouldn't know.

Q. Have you no idea?

A. No, I wouldn't know, sir.

Q. What did you do with it?

A. Some of the money got wet.

Q. I thought it was in jars?

A. It was in jars, in sealers.

Q. Did the jars leak?

A. Yes, when I dug them up some of the jars were full of water along with the money.

Q. How many jars did you dig up?

A. I wouldn't know.

Q. Was it two or three or maybe a dozen?

A. There were a dozen.

Q. How big were they?

A. Quart sealing jars.

Q. Were they in a box?

A. No, they were in a hole in the ground.



Q. And in this system the

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1
2 Q. Without any protection
3 around them?

4 A. No.

5 Q. You buried them with earth
6 over the top?

7 A. Yes.

8 Q. That is, you put dirt on top
9 of the 1107?

10 A. Yes.

11 MR. MACKINNON: Q. Now, we come
12 back to the years 1936, 1937 and 1938. You
13 say you took money out of the jars. How
14 much money did you take?

15 A. I don't recall.

16 Q. You don't?

17 A. No.

18 Q. Would it be \$100.

19 A. No, I took out quite a bit
20 of money.

21 Q. \$2,000?

22 A. I can't recall sir.
23 I would get other money and put it back in.

24 Q. Did you take all the money
25 out and take it to the bank and get new money
26 for it and take it back to the jars again?

27 A. No.

28 Q. What did you do?

29 A. I took it periodically and
30 thought I would exchange it all at the same time.



1. The first part of the document is a list of names and addresses. The names are written in a cursive hand, and the addresses are in a more formal, printed style. The list is organized into two columns, with names on the left and addresses on the right. The names are: John Smith, James Brown, William Jones, Robert White, and Thomas Green. The addresses are: 123 Main Street, New York, NY; 456 Elm Street, Boston, MA; 789 Oak Street, Philadelphia, PA; 101 Pine Street, Washington, DC; and 202 Cedar Street, Baltimore, MD.

2. The second part of the document is a list of names and addresses, similar to the first part. The names are: Mary Johnson, Elizabeth Davis, Sarah Miller, Anna Wilson, and Margaret Moore. The addresses are: 321 Main Street, New York, NY; 654 Elm Street, Boston, MA; 987 Oak Street, Philadelphia, PA; 123 Pine Street, Washington, DC; and 456 Cedar Street, Baltimore, MD.

3. The third part of the document is a list of names and addresses, similar to the first two parts. The names are: George Taylor, Charles Adams, Henry Clark, Benjamin Hall, and Samuel King. The addresses are: 567 Main Street, New York, NY; 890 Elm Street, Boston, MA; 123 Oak Street, Philadelphia, PA; 456 Pine Street, Washington, DC; and 789 Cedar Street, Baltimore, MD.

4. The fourth part of the document is a list of names and addresses, similar to the first three parts. The names are: William Lee, James Scott, Robert Walker, Thomas Young, and John Hall. The addresses are: 234 Main Street, New York, NY; 567 Elm Street, Boston, MA; 890 Oak Street, Philadelphia, PA; 123 Pine Street, Washington, DC; and 456 Cedar Street, Baltimore, MD.

5. The fifth part of the document is a list of names and addresses, similar to the first four parts. The names are: Mary White, Elizabeth Green, Sarah Brown, Anna Taylor, and Margaret Adams. The addresses are: 345 Main Street, New York, NY; 678 Elm Street, Boston, MA; 901 Oak Street, Philadelphia, PA; 134 Pine Street, Washington, DC; and 467 Cedar Street, Baltimore, MD.

6. The sixth part of the document is a list of names and addresses, similar to the first five parts. The names are: George Miller, Charles Wilson, Henry Moore, Benjamin Taylor, and Samuel Adams. The addresses are: 456 Main Street, New York, NY; 789 Elm Street, Boston, MA; 101 Oak Street, Philadelphia, PA; 234 Pine Street, Washington, DC; and 567 Cedar Street, Baltimore, MD.

7. The seventh part of the document is a list of names and addresses, similar to the first six parts. The names are: William Hall, James King, Robert Lee, Thomas Scott, and John Walker. The addresses are: 567 Main Street, New York, NY; 890 Elm Street, Boston, MA; 123 Oak Street, Philadelphia, PA; 456 Pine Street, Washington, DC; and 789 Cedar Street, Baltimore, MD.

8. The eighth part of the document is a list of names and addresses, similar to the first seven parts. The names are: Mary Adams, Elizabeth Taylor, Sarah King, Anna Scott, and Margaret Walker. The addresses are: 678 Main Street, New York, NY; 901 Elm Street, Boston, MA; 134 Oak Street, Philadelphia, PA; 567 Pine Street, Washington, DC; and 890 Cedar Street, Baltimore, MD.

9. The ninth part of the document is a list of names and addresses, similar to the first eight parts. The names are: George Taylor, Charles Adams, Henry Clark, Benjamin Hall, and Samuel King. The addresses are: 789 Main Street, New York, NY; 101 Elm Street, Boston, MA; 234 Oak Street, Philadelphia, PA; 678 Pine Street, Washington, DC; and 901 Cedar Street, Baltimore, MD.

10. The tenth part of the document is a list of names and addresses, similar to the first nine parts. The names are: William Lee, James Scott, Robert Walker, Thomas Young, and John Hall. The addresses are: 890 Main Street, New York, NY; 123 Elm Street, Boston, MA; 345 Oak Street, Philadelphia, PA; 789 Pine Street, Washington, DC; and 101 Cedar Street, Baltimore, MD.



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MR. MACKINNON: Q. When did you last do this exchanging bit?

A. Um, maybe in forty something.

Q. The early 40's?

A. In forty something, the 1940 something.

Q. The early 40's?

A. I don't recall, sir. But whenever the money changed.

THE COMMISSIONER: Whenever the money changed?

A. Yes, whenever the issue -- when there was a change in the size of the bills, a change in the issue.

MR. MACKINNON: Why did you do this for?

A. I didn't want the old ---

Q. What difference did it make?

A. I just felt I didn't want the old money. But we were asked to turn it in.

Q. When you brought up your money out of the ground in 1954, did you change it then?

A. No, I did not, sir.

Q. You didn't. Do you know where there was a list made of these old bills, bank notes by the bank?

A. No, there wouldn't be.

Q. You don't know, I suppose. You gave them in cash to the lawyer?



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A. For the motel I gave in cash.
That wasn't old bills, sir.

Q. Well, they were back to 1940,
I understand?

A. No, I said forty something.
I don't know what it was.

Q. There had been a new Queen at
least since the last time you got those bills
changed, hadn't there?

A. Since the last time?

Q. That is right.

A. The new, the new issue of
bills, whenever it was. It seems five or
six years ago; maybe more than that. I
changed that money.

Q. Now, come, witness, you are
changing your story again. You said in 1940,
in the 40's. We have you under oath.

A. Yes.

Q. You say that is the last
time you changed. Now you are trying to say
it was some time in the 50's, now.

A. Yes, it was in 1950.

Q. At that time?

A. Yes.

Q. Where did you change them?

A. At the bank.

Q. What bank?

A. Different banks.





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Q. What different banks?

A. I would dig up two or three thousand at a time and change it.

Q. Just give me one bank. Just give me one bank, one place, one time.

A. I can't give you a time. One bank would certainly be the corner of Broadview and Gerrard.

Q. Do you know the name of the bank?

A. No, it is on the northeast corner.

THE COMMISSIONER: Is it still there?

A. Yes.

MR. MACKINNON: Q. Why didn't you take it to the bank where your wife was banking?

A. Why? I would say I did trade money in there. I would say I did trade money in there.

Q. In any event ---

THE COMMISSIONER: I want to make a note. You say the last time you changed the money was in 1950 some time?

A. It was after the new change in the issue of money. The change in the size and issue of money.

Q. Right after the last issue



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1 came out?

2 A. Yes, sir. I'm not sure of
3 that date.

4 MR. MACKINNON: Q. You told
5 us you put paraffin on these bottles?

6 A. Yes.

7 Q. Where did you do this?

8 A. In the basement.

9 Q. Whose basement

10 A. At my own basement.

11 THE COMMISSIONER: In the city
12 here?

13 A. Yes.

14 MR. MACKINNON: Q. I thought
15 you were living in an apartment here?

16 A. Wherever I was living that is
17 where I was doing it.

18 Q. You were doing it at home in
19 the basement. There is a basement in this
20 farm house?

21 A. Yes, there is a basement in
22 the farm house.

23 Q. That is where you said you
24 did it? Let's stick to it.

25 THE COMMISSIONER: Was it at the farm
26 house you did it?

27 A. Yes.

28 MR. MACKINNON: Q. Just before
29 your were married and before you joined the
30 O.P.P.?



1. The first part of the report is a general statement of the purpose and scope of the study. It is followed by a brief review of the literature on the subject.

2. The second part of the report is a description of the methods used in the study. This includes a description of the subjects, the experimental design, and the data collection procedures.

3. The third part of the report is a presentation of the results of the study. This includes a description of the data, a summary of the findings, and a discussion of the implications of the results.

4. The fourth part of the report is a conclusion. This includes a summary of the main findings of the study and a statement of the author's conclusions.

5. The fifth part of the report is a list of references. This includes a list of all the sources cited in the report.

6. The sixth part of the report is an appendix. This includes any additional information that is relevant to the study but that does not fit into the main body of the report.

7. The seventh part of the report is a list of figures. This includes a list of all the figures included in the report.

8. The eighth part of the report is a list of tables. This includes a list of all the tables included in the report.

9. The ninth part of the report is a list of abbreviations. This includes a list of all the abbreviations used in the report.

10. The tenth part of the report is a list of symbols. This includes a list of all the symbols used in the report.



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A. Yes.

Q. And you told us you lived at home?

A. Yes.

Q. Where did you do that?

A. In the kitchen.

Q. Why did you say the basement? You said there is a basement?

A. There is a basement.

Q. But not for this type of work?

A. No.

Q. Why did you do it in the kitchen? Was your mother there?

A. I would pick a time when she wasn't there.

THE COMMISSIONER: Why wouldn't you want your mother to know?

A. I just didn't want her to know I had the money.

Q. Maybe there is more truth than fiction in that. Why didn't you want your mother to know about this matter?

A. I just didn't want her to know.

Q. Didn't you have any confidence in her?

A. Yes.

MR. MACKINNON: Q. How would you make the paraffin stick?



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1 A. You just have to place the
2 cold jar in the paraffin when it is hot.

3 Q. Doesn't it fill the jar?

4 A. No, you put the top on.

5 THE COMMISSIONER: You never did
6 any preserving.

7 MR. MACKINNON: Not this type of
8 preserving. But I have seen preserving. It
9 seems the hot preserves make the paraffin come
10 down to it.

11 THE WITNESS: This wasn't hot
12 preserves.

13 MR. WILSON: Hot money.

14 THE COMMISSIONER: You mean hot
15 money?

16 A. No.

17 MR. MACKINNON: There may be more
18 truth than fiction to that, too.

19 Q. What would make it set,
20 was it on top of these hundred dollar bills
21 or whatever you had rolled up in the jar?

22 A. Was just on top.

23 Q. The paraffin?

24 A. No, the lid would be on.
25 The lid would be on the jar, and if that is
26 the pot of paraffin, I would dip the jar in.

27 Q. You weren't putting the paraffin
28 right across the top and then putting the lid on.
29 You put the lid on and tried to seal the
30 edges?



1. The first part of the report is

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1 A. Dip it in, sir.

2 THE COMMISSIONER: Seal the crevices?

3 A. Right, sir.

4 MR. MACKINNON: Q. And when you
5 exchanged this money from these jars were
6 they hundred dollar bills?

7 A. If I took in hundred dollar
8 bills I would ask for 50's and 20's; if I
9 traded in 50's or 20's and 10's, I would ask
10 for hundreds.

11 Q. Why would you do that?

12 A. They take up less room.

13 Q. You traded in your car, what
14 kind of car did you get?

15 A. A Pontiac.

16 Q. What type, a sedan?

17 A. Yes, a sedan.

18 Q. And then you traded that in?

19 A. No, I sold it, sir.

20 Q. You said something about a
21 trade-in?

22 A. No, I sold it to Walter Finch
23 on Pape Avenue.

24 Q. For how much?

25 A. I don't know. It was more
26 than Hogan was going to give us. I bought the
27 car from Hogan Motors.

28 Q. Walter Finch?

29 A. Yes.
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Q. He wasn't a relative of yours?

A. No.

Q. Did you sell it to him before you bought the new car?

A. Yes, I --- As a matter of fact, he asked me for the car, to save the car for him.

Q. When did you buy the new car?

A. Which car are you talking about?

Q. The '52 car?

A. I don't recall. Oh, I would think it would be in the fall.

Q. Of '52?

A. Yes.

THE COMMISSIONER: Where?

A. Hogan Motors.

MR. HASKINSON: Q. This is the second car you bought at Hogan Motors?

A. Yes.

Q. What kind of a car was this?

A. Pontiac sedan.

Q. And you paid cash for this?

A. Yes.

Q. Whatever you got from your sale and you put in eighteen hundred or fifteen hundred or two thousand?

A. Whatever it was.

Q. You put the cash to it?

A. Yes.

Q. Then, when did you buy



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1 your next car?

2 A. '56, sir.

3 Q. What kind of car did you buy
4 then?

5 A. A Dodge.

6 Q. A Dodge?

7 A. Yes, right, sir.

8 Q. And what time in '56 did you
9 buy this car?

10 A. I couldn't say, sir.

11 Q. Pardon?

12 A. I couldn't say, sir. Rosborough
13 Motors.

14 Q. Where?

15 A. It was in the east end of the
16 city. It is in the east end of the city.

17 Q. And how much did you pay for
18 this car?

19 A. I would think thirty-two
20 hundred, something like that.

21 Q. Did you trade your car in?

22 A. Yes.

23 Q. Is this thirty-two plus your
24 old car?

25 A. Yes.

26 Q. And you paid cash for that?

27 A. Yes, it came --- You mean ---

28 Q. Well, you paid the difference
29 between thirty-two hundred in cash?

30 A. No, the difference up to



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1 thirty-two.

2 Q. Oh, you say the total price
3 of the new car was thirty-two hundred?

4 A. Yes, thirty-two or thirty-three
5 hundred.

6 Q. Do you know how much you
7 were allowed for your old car?

8 A. No, I don't, sir. No, I
9 don't, sir.

10 Q. At this stage, as I remember,
11 remember your motel records for 1954 and '55,
12 your drawing weren't very heavy. I think it
13 was something like \$1,400.

14 A. Yes, that is right.

15 Q. I am sorry, sixteen hundred.
16 In fact, for '55, there was sixteen-ten, and
17 '56, it was sixteen-seventy. So, once again
18 I suggest to you, witness, to pay for this
19 new car, the cash you did, you certainly would
20 have had to pay for it out of your savings
21 you made prior to going into the motel
22 business?

23 THE COMMISSIONER: What were the
24 motel figures?

25 MR. MACKINNON: For '55 he drew
26 \$1,670, and in '56, \$1,670.

27 THE WITNESS: I am not straight in what
28 you asked me, sir.

29 MR. MACKINNON: Q. I am suggesting
30



1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part deals with the results of the work done during the year.

3. The third part deals with the financial statement of the year.

4. The fourth part deals with the general remarks and conclusions.

5. The fifth part deals with the suggestions for the future.

6. The sixth part deals with the appendixes.

7. The seventh part deals with the index.

8. The eighth part deals with the list of references.

9. The ninth part deals with the list of abbreviations.

10. The tenth part deals with the list of symbols.

11. The eleventh part deals with the list of tables.

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13. The thirteenth part deals with the list of plates.

14. The fourteenth part deals with the list of maps.

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97. The ninety-seventh part deals with the list of conclusions.

98. The ninety-eighth part deals with the list of suggestions.

99. The ninety-ninth part deals with the list of references.

100. The hundredth part deals with the list of abbreviations.



1 to you that the money you used to pay for
2 this new car in 1956 must have come from
3 whatever savings you had made prior to leaving
4 the police force because you certainly weren't
5 making any savings on \$1,600, for the two years
6 since you had been out of the police force?

7 A. No, that wouldn't have to
8 come from that, sir.

9 Q. Where would it come from?

10 A. I had seven or eight thousand
11 dollars in the sale of those two homes.

12 Q. You had made it by then?

13 A. Yes.

14 Q. Did you say you bought your
15 car in the fall of '56?

16 A. I don't recall it, sir.

17 Q. If you didn't you wouldn't
18 have had the money from the sale of the ones.

19 A. Yes, I sold three homes by
20 1956.

21 Q. Let's go back to that.

22 THE COMMISSIONER: When did your
23 wife discontinue working?

24 A. 1953, sir.

25 MR. MACKINNON: Q. You bought
26 Kenneth Drive what, in July of '56?

27 A. I believe it was, sir.

28 Q. And you hadn't sold your
29 home in Agincourt at that time, isn't that

30 correct?



the first time they were used to say 'I'm

not sure if I can make it this time

and I'm not sure if I can make it this time

the first time they were used to say 'I'm

not sure if I can make it this time

and I'm not sure if I can make it this time

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and I'm not sure if I can make it this time



1 A. Not until, not until I took
2 over the house.

3 Q. You hadn't sold, by the time
4 the deal was closed on Kenneth Drive you
5 hadn't sold your house in Agincourt; isn't
6 that correct?

7 A. That is correct.

8 Q. So, you didn't have any money from
9 that house?

10 A. No.

11 Q. To assist you in buying the
12 house on Kenneth Drive?

13 A. That is right, sir.

14 Q. That is right. You had some
15 difficulty in selling the Agincourt house?

16 A. Yes, sir.

17 Q. Which house was that, what was
18 the address?

19 A. 8 Reidmount Avenue.

20 Q. Reidmount Avenue?

21 A. Yes, sir.

22 Q. Did you tell us about that
23 one before? Is that the one you talked about
24 in Scarborough?

25 A. It is in Scarborough.

26 Q. Is the house in Agincourt
27 itself?

28 A. It certainly is now. I
29 don't know whether it was then or not.

30 Q. Now, you apparently must have



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1 been fairly friendly with McDermott by at least
2 as early as 1957?

3 A. I don't know what you call
4 fairly friendly, but I was acquainted with him.

5 Q. He was taking you out on
6 drives?

7 A. '57?

8 Q. You told that much.

9 A. I would think that in '57 ---

10 Q. How did you happen to get
11 so chummy with him, was it because he was a
12 neighbor?

13 A. No. & Actually, because I
14 had known him for quite a long time.

15 Q. You knew what type of business
16 he was in?

17 A. That is right, sir.

18 Q. How did you happen to get so
19 friendly with in?

20 A. Well, I mean, he isn't what
21 you would call --- I mean, I have never gone
22 fishing with him or golfing with him. I have
23 talked to him quite a bit. I enjoy talking.

24 Q. You and your wife went to his
25 house; that is right?

26 A. For dinner once, and I had
27 them over to my house for dinner.

28 Q. Just once, you say?

29 A. Just once.

30 THE COMMISSIONER: When did you get



1 to the point where you were really friendly
2 with him?

3 A. Well, I would say that in 1957,
4 possibly, driving past his place I stopped and
5 talked to him when he was working on the lawn.
6 And then I knew him quite well before that,
7 and from talking to him. I was interested in
8 things he was talking about, gardening and flowers.

9 MR. MACKINNON: Q. You were just
10 talking about gardening and flowers?

11 A. Not necessarily.

12 Q. We will come to your conversations
13 with your friend McDermott in a few minutes, if
14 I may. Just going back to 1957, apparently
15 you were friendly enough with him to go out
16 in his car and he would show you some property
17 he was interested in?

18 A. Yes.

19 Q. How did that come about, did he
20 come over and say: "Come on John, let's go for
21 a ride."?

22 A. I don't recall the circumstances.
23 I imagine I was talking to him and he said:
24 "Let's go for a drive and I will show you what
25 I bought."

26 Q. And this is when he showed you
27 the building

28 A. That is right.

29 Q. And you went into the building?
30



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1911

1. The first part of the book is devoted to a general

discussion of the principles of the theory of the

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9. The ninth part of the book is devoted to a

discussion of the properties of the functions of the

complex variable.

10. The tenth part of the book is devoted to a



1 A. That is right.

2 Q. And that is when you got
3 interested in Dowshury's ointment?

4 A. Yes.

5 Q. And did you mull this around
6 in your mind for a couple of years?

7 A. Yes.

8 Q. I take it you would meet Feeley
9 fairly frequently at McDermott's place?

10 A. Not fairly frequently, sir.
11 I can tell you I am not very well acquainted with
12 Feeley even yet. I didn't see Feeley very, very
13 often.

14 Q. You see him when he goes out
15 to McDermott's home?

16 A. No, I do not see him when he goes
17 out to McDermott's home.

18 Q. You had seen him a number of
19 times in '58 and '59 at McDermott's home

20 A. I have seen him.

21 Q. That is your meeting place?

22 A. No.

23 Q. That is where you get together?

24 A. No.

25 Q. Has Feeley ever been in your
26 home?

27 A. Has who?

28 Q. Has Feeley ever been in your
29 home?

30 A. Yes, he has.



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Q. Did he come for dinner?

A. Yes, one time I had him for dinner/

Q. That is fairly friendly?

A. Yes.

Q. How do you explain this friendship for Feeley and McDermott?

A. Is there anything wrong with me having Feeley in my home for dinner?

Q. I was just wondering how you got so chummy?

A. I didn't see anything wrong.

Q. You didn't?

A. No.

Q. Although you knew what the suggestions were about you when you left this Force?

A. The suggestions?

Q. Yes. That these men had been paying you off.

A. No, I did not.

Q. You said you went to the Commissioner because it was in the paper.

Q. There was no word in the paper.

Q. Who else would it be? You just finished telling Mr. Wilson you discussed the implications in the E Branch when you left that Force, it was E Feeley and McDermott?

A. There was no mention of Feeley



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27	100	100	100
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29	100	100	100
30	100	100	100



1 and McDermott. There was mention about me
2 being too slow in my job or duties.

3 Q. Let's not beat around the bush.
4 You knew that Feeley and McDermott were connected
5 with the Veterans' Club?

6 A. I knew they were connected
7 with a club in Cookeville.

8 Q. And you knew what business
9 they were in. You just finished telling me
10 that a minute ago.

11 A. Yes.

12 Q. And you were investigating
13 the Vets' Club to see if tip-offs had been made
14 when you investigated Shrubb in '55?

15 A. Yes.

16 Q. That is right. You said the
17 reason you had done it was because you had
18 left under a cloud, and obviously it was in
19 connection with the Vets' Club. You were
20 interested in seeing if someone was being
21 paid off?

22 A. I didn't say in their club.

23 THE COMMISSIONER: Eh You said you
24 felt he ---

25 A. That is right ---

26 MR. HACKINSON: Q. It must have
27 been, it must have had something to do with
28 the Vets' Club?

29 A. No. Why I was transferred
30 from the Gambling Squad?





1 Q. That is why you were investigating
2 Shrubb and the Veterans' Club?

3 A. What was why I was investigating
4 Shrubb and the Vets' Club?

5 Q. You told us a strange story,
6 I will typify it that way. You investigated
7 Shrubb in '55, out in his car and pretended to
8 be acting as agent of the Vet's Club, and you
9 had a piece of it and wanted to know whether he
10 would be prepared to take a pay off; is that
11 correct?

12 A. I would leave that inference
13 not in that many words, but that is a fair inference.

14 Q. That is what you were trying
15 to do. Your story is you were doing it
16 because you were hurt?

17 A. Yes.

18 Q. You were transferred?

19 A. Yes, that is right.

20 Q. The implication being you
21 were transferred because you had an illegal
22 connection with the gamblers?

23 A. That is your assumption. That
24 is not what I said.

25 Q. Why would you be hurt, and why
26 would you be investigating Shrubb about the
27 Vets' Club?

28 A. It was still operating and
29 according to the press it was going to be
30 closed the next day after we were shifted. I



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1 would have liked to remain in the ---

2 Q. With the Vets' Club?

3 A. No, with the Gambling Squad.

4 That is what I liked. I liked doing that.

5 Q. And you said you never had any
6 suspicion anyone was suggesting you had any
7 connection with Feeley and McDermott, came as
8 a complete shock to you?

9 A. Now, you mean?

10 Q. Yes?

11 A. I didn't say it comes as a
12 shock to me now.

13 Q. When did you realise?

14 A. When the trial started.

15 Q. Before that you never had an
16 inkling?

17 A. No.

18 Q. No one ever suggested anything
19 like that to you?

20 A. I could have suggested it to
21 the Commissioner.

22 Q. You could have suggested it to
23 the Commissioner?

24 THE COMMISSIONER: What?

25 A. Rumours. If there are any
26 rumours to let me know what they are about.

27 MR. MACKINNON: Q. You never
28 connected Feeley and McDermott with those
29 rumours?

30 A. No.



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Q. Some other gambling syndicate?

2

A. What is that

3

Q. Some other gambling syndicate?

4

A. Not necessarily gamblers at all.

5

Q. Weren't you on the Anti Gambling

6

Squad?

7

A. Yes, sir.

8

Q. Who else would it be?

9

A. Who else would it be what?

10

Q. The gamblers you were giving

11

the tip off to?

12

A. Who suggested I gave a tip off?

13

You are the one who is suggesting.

14

Q. I certainly am, witness.

15

A. You are absolutely wrong.

16

Q. Leave that aside for the moment.

17

What I am wondering about is you said you

18

spoke to the Commissioner because you wanted

19

him to know you were hurt about being moved,

20

and you went to see him twice?

21

A. Twice. It was my own initiative.

22

Q. And you wanted to be told about

23

the rumours. And there must have been rumours,

24

must have been something about the gamblers?

25

A. I didn't say about the rumours.

26

Q. What were you taking it to him

27

about rumours?

28

A. The press was saying we were

29

too slow, and that was a different story than

30



1. Name of person
2. Sex
3. Date of birth
4. Place of birth
5. Race
6. Marital status

Family

7. Name of spouse
8. Date of marriage
9. Name of child
10. Date of birth
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39. Name of child
40. Date of birth



1 the reason he gave me for being transferred.

2 Q. I thought he told you were
3 were too slow?

4 A. No.

5 Q. What was the reason?

6 A. There was a change in policy.

7 Q. You were too slow. You said
8 the Attorney General's Department wanted to
9 speed thing up?

10 A. No.

11 A. And change the thing?

12 A. No, away later he told me that.
13 No, he said the only thing that was anything
14 cloudy about, any suggestions why I was being
15 transferred was because the Attorney General's
16 Department felt we were too slow. And the
17 "we" would be referring to Von Zuben and I.
18 And Von Zuben was in charge of the Branch, not
19 me.

20 Q. So, this conversation with
21 Shrubb in attempting to see if he were receiving
22 bribe money --- this is your story --- was really
23 just to assuage this hurt feeling at being
24 transferred out of the Branch?

25 A. Persuade?

26 Q. Assuage, to soften?

27 A. Yes.

28 Q. If you were sure he was taking
29 bribes you didn't know what you would do next?

30 A. I don't know, I might have gone



THE UNITED STATES OF AMERICA

IN SENATE

January 10, 1906

REPORT

OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE

TO THE SENATE

IN RESPONSE TO A RESOLUTION PASSED MAY 10, 1905

RELATIVE TO THE

LANDS BELONGING TO THE

UNITED STATES

AND THE LANDS BELONGING TO THE

INDIAN TRIBES

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AND THE LANDS BELONGING TO THE



1 to the Attorney General.

2 Q. Why wouldn't you go to the
3 Commissioner?

4 A. Because one year later the clubs
5 are still operating.

6 Q. Why go to the Attorney General's
7 Department?

8 A. Who would I go to?

9 A. I suggest the Commissioner.

10 A. No, I wouldn't go to the
11 Commissioner. The Commissioner is still the
12 Commissioner and the place was still running.

13 Q. When George Reid talked to you
14 and gave you some important and confidential
15 information why didn't you go to the Attorney
16 General's Department?

17 A. That is many years later.

18 Q. The same problem, the same
19 club, the same people?

20 A. George Reid. I certainly know
21 Sergeant Anderson was in charge of the Branch and
22 I know nothing would be wrong with Sergeant
23 Anderson.

24 Q. In other words, I suggest you
25 had some information about Sammy Dolson, and
26 young officers taking patches all over the place,
27 I think was the expression?

28 A. Yes.

29 Q. Selling patches all over the
30 place. Why didn't you go to the Attorney





1 General's Department with this information?

2 A. I didn't feel it was my duty.

3 Q. Why would you feel it was
4 your duty if Shrubb told you he was taking
5 bribes?

6 A. I felt if Shrubb was dishonest
7 that was part of the plan of shifting me in the
8 first place. That was my thoughts. But talking
9 to Shrubb I was satisfied that he wasn't
10 dishonest. He could have had a confused mind
11 but he wasn't dishonest in my assumption. And
12 as far as I was concerned that was the end of it.

13 Q. You weren't feeling hurt any
14 more in '59, when you were talking to George
15 Reid?

16 A. No, sir, I was.

17 Q. The Commissioner asked you this
18 but your answer was a little confused, at least
19 for my hearing. Why did you think George Reid
20 would confide something as important as this
21 in you?

22 A. I didn't think it would be
23 important.

24 Q. An honest police officer? And
25 ex-police officer?

26 A. Yes.

27 Q. An honest, upright police officer
28 who retired to go into business as an honest,
29 upright citizen of the community, this gambler,
30



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1. I have read the report of the

committee on the subject of

the proposed changes in the

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and I am in favor of the

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1 I believe with a criminal record, tells him
2 about some graft and corruption on the police
3 force, and feels nothing is going to happen,
4 it is quite safe to tell this honest, ex-policeman
5 about this serious matter?

6 A. He must have felt it was safe
7 or he wouldn't have told me

8 Q. He must have. And he was safe.

9 A. Yes.

10 Q. Why do you think he felt that
11 way, do you think he had heard stories, too?

12 A. No.

13 Q. You didn't discuss that with
14 him?

15 A. No.

16 THE COMMISSIONER: You didn't
17 satisfy me why you didn't go to the Attorney
18 General's Department, a honest, upright officer?

19 A. I wasn't an officer then.

20 Q. You had been?

21 A. I definitely had been.

22 MR. MACKENZIE: Q. You are an
23 honest, upright citizen?

24 A. Yes, I am.

25 Q. Your duty, presumably, is to
26 uphold the law?

27 A. I would agree that would be the
28 proper thing for me to do, but I didn't.

29 THE COMMISSIONER: We know you didn't.
30

1. The first part of the report is a general statement of the purpose and scope of the study. It is followed by a brief review of the literature on the subject.

2. The second part of the report is a description of the methods used in the study. This includes a description of the subjects, the materials, and the procedures.

3. The third part of the report is a presentation of the results of the study. This is followed by a discussion of the results and their implications.

4. The fourth part of the report is a conclusion. This is followed by a list of references.

5. The fifth part of the report is an appendix. This contains the raw data and the calculations used in the study.



1

MR. MACKINNON: Q. Let's get

2

back to the discussions with Feeley and

3

McDermott, particularly as with Mr. McDermott.

4

A. Yes, that is right.

5

Q. What did he tell you about the

6

patches he had?

7

A. Just a moment. I never asked

8

McDermott about the patches he had any more than

9

I would ask the Royal York how many rooms they

10

had.

11

Q. This is a little more intimate

12

that the Royal York and the number of rooms

13

they have. You were a friend of McDermott, an

14

ex-police officer, and George Meid found quite

15

natural to confide in.

16

A. I won't say McDermott had a patch.

17

I don't know whether he had or not. And I

18

am sure he wouldn't tell anybody if he did.

19

Would you tell people if you had a patch?

20

Q. I have had very little

21

experience in this.

22

A. I don't think anyone would.

23

Q. So I really can't say. I

24

presume if I had a friend who was a patch one

25

might be prepared to bring me to it, let's put

26

it that way, whether patches were applied?

27

A. That might be quite possible.

28

Q. You say he didn't discuss

29

the operation of these clubs?

30



THE SECRETARY OF THE

DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

1914

TO THE HONORABLE

MEMBERS OF THE

COMMISSIONERS OF THE

LAND OFFICE

AND TO THE HONORABLE

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1 A. Definitely not, and I wouldn't
2 ask him.

3 Q. What did you find in common?
4 What were you discussing? What did you have
5 in common besides flowers?

6 A. I can talk fishing. And Joe
7 is a neighbor.

8 Q. This is a little more than a
9 neighbor. You are not as friendly with your
10 other neighbors, going to dinner and having
11 them over?

12 A. I have.

13 A. All your neighbors?

14 A. Not all my neighbors. I didn't
15 say that.

16 Q. You are a little more selective?

17 A. No.

18 Q. You talk to certain people,
19 and particular Joe McBernett?

20 A. Yes.

21 Q. And Vincent Feeley?

22 A. And Vincent Feeley, yes. And
23 I haven't been in any illegal transactions with
24 them. You may have rumors, you won't produce
25 facts.

26 Q. We have some facts.

27 A. I challenge you to produce
28 some facts.

29 Q. I think we have produced some
30 facts, otherwise this is a modern miracle you
saved so much money.



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's annual message to Congress. The letter is written in a formal, dignified style, and it is one of the most important documents in the history of the United States. It is a document that has been read and studied by many generations of Americans, and it is a document that has shaped the course of the nation's history. The letter is a masterpiece of American literature, and it is a document that is as relevant today as it was when it was first written. It is a document that is a testament to the power of the written word, and it is a document that is a testament to the power of the American people. It is a document that is a testament to the power of the United States, and it is a document that is a testament to the power of the American dream. It is a document that is a testament to the power of the American spirit, and it is a document that is a testament to the power of the American people. It is a document that is a testament to the power of the United States, and it is a document that is a testament to the power of the American dream. It is a document that is a testament to the power of the American spirit, and it is a document that is a testament to the power of the American people.



1 THE COMMISSIONER: Haven't you heard
2 of the miracle of the loaves and fishes?

3 MR. MACKINNON: That is what I said,
4 a modern miracle.

5 Q. You would talk, I suppose, about
6 Densbury's contact with McBernett?

7 A. Eventually.

8 Q. Well, '57, he introduced you
9 to the subject in 1957.

10 A. It wasn't mentioned twice in
11 the intervening time.

12 Q. Did he mentioned who McBernett's
13 lawyers were then? He and Feeley went into
14 partnership?

15 A. No, I didn't know they were
16 partners.

17 Q. They both had something to do
18 when you were taking over the business?

19 A. They are partners, and I would
20 assume everything they had, except personal
21 things, would be together.

22 Q. How do you know they are
23 partners?

24 A. Well, I know they are partners.

25 Q. How?

26 A. By the different --- Actually, I
27 couldn't say I know they are partners. I don't
28 know they are partners.

29 THE COMMISSIONER: Which is it?
30



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1 A. Mr. Roach, I know I shouldn't
2 have said that. I certainly don't know. I
3 have nothing of my own knowledge. I don't know.

4 MR. MACKINNON: Q. Did they
5 tell you they were working together on various
6 matter? They might have told you that much?

7 A. Certainly. Certainly they were
8 working together on the mine. I never saw them,
9 but they were talking about that. And I didn't
10 know about many things that were produced here
11 in court the other day, the finance company and ---

12 THE COMMISSIONER: You knew they
13 were partners out in the Centre Road Vets'
14 Club?

15 A. Yes, but to say I knew, I didn't.
16 But I assumed to my satisfaction they were.

17 MR. MACKINNON: Q. In any event,
18 it was a joint venture to set you up in the
19 business of Densbury's ointment?

20 A. Well ---

21 Q. Was it or not?

22 A. I didn't discuss it with the
23 two of them.

24 Q. You told us Feeley and McDermott
25 both dealt with you in connection with this?

26 A. Yes.

27 Q. Was it a joint operation to
28 that extent?

29 A. Yes.

30 Q. And you got money from them to



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1
2 help operate this business?

3 A. Yes.

4 Q. They must have had a fairly
5 high opinion of you?

6 A. I think they would.

7 Q. Yes.

8 A. And I don't think it would be
9 much of a venture for them, \$2,000.

10 Q. I expect it wouldn't be for
11 any of you?

12 A. It was for me.

13 Q. It was money they gave you to
14 carry out this venture?

15 A. Yes.

16 Q. In expressing their opinion
17 of you did they ever say you had the heart of
18 a lion?

19 A. No.

20 Q. You say you discussed this
21 telephone conversation with McDermott and Scott
22 and you didn't discuss it that you were a man
23 with a heart of a lion, and you said McDermott
24 was continually saying that?

25 A. He laughed and denied saying
26 it.

27 Q. Did he deny having a telephone
28 conversation with Scott?

29 A. I never went that deep into
30 it.



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Q. Why not?

A. Why would I?

Q. You were very concerned about this?

A. No, I wasn't very concerned about this.

Q. I thought you were. I thought this is what really roused you, the suggestion you were taking tip-offs and had been paid for it by these men. It was in that connection he said you had a heart of a lion for ten or twelve years you had been working for them and giving them the off?

A. Yes.

Q. Didn't that excite you?

A. No, sir, not at that time.

Q. You were enured. When this came up --

A. Two or three years ago.

Q. Yes. Did that not upset you?

A. No.

Q. Why not?

A. This is quite a few years later and I never paid much attention.

Q. You figured nobody could prove it?

A. No.

Q. By that time?

A. There was nothing to prove.

Nothing to prove.



1 Q. It didn't bother you then?

2 A. I wouldn't say it did not bother
3 me. I wasn't too concerned about it. The whole
4 thing as far as I was concerned was a whole lot
5 of gossip, a whole lot of gossip.

6 Q. That is what you may think.
7 You may be too confident.

8 A. I am confident. It was
9 gossip.

10 Q. That is what Mr. McDermott
11 said, that they couldn't prove anything. But
12 you might be surprised.

13 MR. ROSE: When did McDermott say
14 that?

15 MR. MACKINNON: It is in one of
16 the transcribe phone calls.

17 Q. In any of these discussions
18 with McDermott you told us you never really
19 went into the clubs, or into a discussion of
20 his clubs or his operations at all?

21 A. That would be a hundred
22 percent. right. I wouldn't discuss the
23 operation of his clubs with him, and I wouldn't
24 want to discuss it with him.

25 Q. And you stated the major bit
26 of business, of course, you ever discussed with
27 him, otherwise it was purely socializing, was
28 Dewsbury's cement?

29 A. And I challenge you to prove
30 anything different.



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1. The first thing I noticed
2. I was in a very bad
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1 Q. Just a moment.

2 A. That is right. I defy you to
3 prove anything different. I was never in any
4 other business with McDerrett or discussed any
5 other business.

6 Q. We will just see. You say you
7 introduced Leberman?

8 A. Yes.

9 Q. Do you know Leberman? Who he
10 was?

11 A. Yes.

12 Q. You said you travelled with him
13 for twenty years?

14 A. No.

15 Q. It is in the transcript.

16 A. I didn't say I had travelled
17 with him. I had known him for twenty years.
18 How could I travel with him.

19 Q. I don't know how you could
20 travel with him. You tell me. You had known
21 him for twenty years?

22 A. Maybe not twenty years exactly,
23 roughly.

24 Q. Page 8066. I took it down in
25 my notes and it is transcribed in the official
26 transcript. 8066, line 8, or line 10:

27 "A. No, but Mr. Leberman, as long
28 "as I have known him for twenty years,
29 "has made an honest livelihood. I
30 "have known Harry Leberman and

1. The first part of the document is a list of names and addresses, which are arranged in two columns. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list includes names such as "John Smith", "Mary Jones", and "Robert Brown", along with their respective addresses in various cities and states.

2. The second part of the document is a series of numbered entries, each consisting of a name, a date, and a brief description of the item or event. The entries are arranged in a single column, and the numbers are written in a cursive script. The descriptions are written in a more formal, printed style. The entries include items such as "A box of books", "A set of papers", and "A collection of letters", along with their respective dates and descriptions.

3. The third part of the document is a series of numbered entries, each consisting of a name, a date, and a brief description of the item or event. The entries are arranged in a single column, and the numbers are written in a cursive script. The descriptions are written in a more formal, printed style. The entries include items such as "A box of books", "A set of papers", and "A collection of letters", along with their respective dates and descriptions.

4. The fourth part of the document is a series of numbered entries, each consisting of a name, a date, and a brief description of the item or event. The entries are arranged in a single column, and the numbers are written in a cursive script. The descriptions are written in a more formal, printed style. The entries include items such as "A box of books", "A set of papers", and "A collection of letters", along with their respective dates and descriptions.

5. The fifth part of the document is a series of numbered entries, each consisting of a name, a date, and a brief description of the item or event. The entries are arranged in a single column, and the numbers are written in a cursive script. The descriptions are written in a more formal, printed style. The entries include items such as "A box of books", "A set of papers", and "A collection of letters", along with their respective dates and descriptions.



1 "travelled with him on the road for
2 : close to twenty years."

3 What did you mean?

4 A. I went with him, that doesn't
5 say I travelled with in for twenty years. If
6 that can be assumed that is in error. How could
7 I possibly travel with him for twenty years?

8 Q. Don't quibble around answers,
9 just tell me.

10 A. I went on occasion where he
11 bought a bankrupt stock, maybe a Saturday.

12 Q. Was this while you were on the
13 police force?

14 A. Yes.

15 A. And you knew he had a criminal
16 record?

17 A. I know. Or I know. I was
18 told he had. And that was a good many years
19 ago when he was only young. He explained it
20 to me. He was the fall guy for Feders.

21 THE COMMISSIONER: For what?

22 A. For Feders.

23 MR. HACKINSON: Q. This is Leberman.
24 He is now travelling with a carnival; isn't he?

25 A. Not to my knowledge.

26 Q. Have you seen him recently?

27 A. Yes, sir.

28 Q. Are you sure he isn't with a
29 carnival now?
30



THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C. 20250

TO: DIRECTOR, BUREAU OF LAND MANAGEMENT

FROM: SAC, [illegible]

SUBJECT: [illegible]

RE: [illegible]

DATE: [illegible]

BY: [illegible]

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4. [illegible]

5. [illegible]

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12. [illegible]

13. [illegible]

14. [illegible]

15. [illegible]

16. [illegible]

17. [illegible]

18. [illegible]



1 A. No, he would be with several
2 carnivals. He sells to carnivals; to my
3 knowledge he isn't. I would be very surprised
4 if he is.

5 Q. What does he sell to carnivals?

6 A. Panda dolls for the bingos.

7 Q. His eyesight doesn't affect
8 him in that.

9 A. That is why I am sure he isn't
10 travelling with a carnival.

11 Q. You wouldn't say he isn't?

12 A. I wouldn't say he isn't. But
13 I would be very surprised if he is.

14 Q. Your diaries, I take it you
15 left them with the police when you left?

16 A. Yes, sir.

17 Q. Left the force; is that correct?

18 A. Yes.

19 Q. And you told us the other
20 day you wouldn't know any of those clubs,
21 the Loreli Club?

22 A. That is right, sir.

23 Q. Are you telling us you never
24 raided in the Niagara Peninsula?

25 A. Yes, sir, I did.

26 Q. Why wouldn't you raid the
27 Loreli Club?

28 A. I don't think the Loreli Club
29 was operating when I was there. The only
30





1 Club I raided in Niagara Falls was an old
2 house on the outskirts -- and it may have
3 been in the City limits. And the town across
4 from Buffalo, Port Erie. And it was
5 eventually a house of prostitution, and we
6 had it for both. And I was certainly on
7 both raids. And they were convicted. And
8 that was the only place to my knowledge I
9 ever raided in the Niagara Peninsula.

10 Q. You never heard the name
11 Loreli Club?

12 A. Yes, I have.

13 Q. Had you heard of the name
14 at the time you were talking to Corporal
15 Shrubb, on May 5th, 1935?

16 A. Yes, I had heard that name.

17 Q. Why did you tell Mr. Wilson
18 that you couldn't have mentioned the name
19 Loreli, because you never heard it?

20 A. No, I didn't.

21 Q. That was your answer, you
22 said: "I couldn't have said anything like
23 that, I didn't know about a Loreli Club?"

24 A. There were several Clubs
25 he mentioned, several Clubs and unit numbers
26 and so on.

27 Q. Did you say you didn't mention
28 it, that is what you swear, you didn't mention
29 those Clubs?

30 A. No, sir, he mentioned it.



1. I have been thinking of you very much lately.

2. I hope you are well and happy.

3. I have been thinking of you very much lately.

4. I hope you are well and happy.

5. I have been thinking of you very much lately.

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27. I have been thinking of you very much lately.

28. I hope you are well and happy.

29. I have been thinking of you very much lately.

30. I hope you are well and happy.



1 Q. And you didn't know the
2 Ramsay Club, the old Ramsay Club?

3 A. I have heard of it, but
4 I couldn't tell you where it was located.
5 And I have forgotten now if it was in
6 Niagara Falls or Windsor. I think in
7 Niagara Falls.

8 Q. I suppose in '55, it was
9 only less than a year after you left the
10 Force, your memory would be clearer on
11 these Clubs than it is now?

12 A. Yes, naturally it would be,
13 sir.

14 Q. Did you tell us you had never
15 gone into the Alpha Club, or the Unit No.236,
16 apart from your raids?

17 A. You are talking about out
18 here?

19 Q. Yes.

20 A. That is right.

21 Q. You never went in there?

22 A. No.

23 Q. And Mr. McDermott never
24 invited you?

25 A. No, sir.

26 Q. And apparently -- was it
27 in 1960, I believe you said, he made
28 arrangements, he and Feeley, to take you
29 up by airplane to his mine up north?

30 A. That wasn't so, he made



1 arrangements. He often asked me to go
2 up to the mines with him, but the only
3 way he went up was by plane. I refused
4 to go up in the plane. I didn't want to
5 go up in it.

6 Q. And in Constable Moore's
7 notebook for June 23rd, 1960, he has:

8 "Gronin said he was supposed to
9 "go up to their mine last week
10 "but couldn't make it."

11 This is precisely what Inspector Graham
12 says you said.

13 A. That might be. I couldn't
14 make it? Certainly I could make it. I
15 preferred not to make it.

16 Q. Why?

17 A. I was scared to go in a
18 little plane. I wouldn't go in a little
19 plane.

20 Q. It was a little plane they
21 were taking you up in, but it was at their
22 expense. You weren't paying any fare?

23 A. No, certainly not.

24 Q. You told me you worked very
25 hard and you saved your money. Did anyone
26 point out to you if you put your money in
27 the bank that you would have earned thousands
28 of dollars on these savings, even if you
29 put it in the bank say, from 1940 on?

30 A. Yes.



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Q. It did cross your mind?

A. Yes.

Q. Why didn't you do it?

A. I didn't like the banks.

Q. Why were you afraid of the banks?

A. My father told me of the banks going broke. And I had magazines at home to the effect they went broke. And I was afraid of that.

Q. But your faith was gradually restored, I take it?

A. That is right, sir.

Q. Until you went into the hotel business?

A. After I went into the hotel business.

Q. And then you opened up a bank account?

A. With my partner. That is quite right.

Q. You are quite happy with the banks now?

A. Yes.

THE COMMISSIONER: Even when you were concealing your money in the ground?

A. Yes.

Q. You had a small bank account?

A. Yes.

MR. MacKINNON: Q. And your wife, she



1 Had a bank account?

2 A. The money we had in the bank
3 was not that great you had to be frightened.
4 It was more for paying payments on the house,
5 and things like that.

6 THE COMMISSIONER: How much did
7 you have in the bank? The greatest amount
8 you had in the bank at any one time while
9 you were still concealing money in the ground?

10 A. I don't think I know. You
11 have the records there. But I would be
12 surprised if it was anything over a
13 thousand dollars.

14 Q. Just take \$750, that is
15 a sizable sum for a man saving like you
16 were. Why would you take the risk of
17 putting \$750 in the bank?

18 A. There was a trust ---

19 Q. No. -- all right, go ahead.

20 A. For the young lad.

21 Q. Then, that was more sacred,
22 a trust account for you/son. Why risk putting
23 it somewhere where you would lose it?

24 A. I wouldn't want to put
25 any great amount.

26 Q. Don't you think \$750 is
27 a great amount?

28 A. Yes, but a person can get
29 over it.

30 Q. If you lost that it would be



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and I have been

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1 a small grief, not a big one?

2 A. No, it wouldn't be a small
3 grief. I would hate to lose \$750, I can't
4 afford to lose \$750.

5 Q. Nor would I. But if I
6 didn't have faith in the banks I wouldn't
7 put \$750 in it. I am surprised you did.

8
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10 (Page 9020 follows)



சென்னை 1911

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(சென்னை 1911)



1 Mr. MacKINNON: Q. In that connection,
2 witness, you gave a certified cheque for fifteen
3 hundred dollars as a deposit on this Kingston
4 motel?

5 A. I don't recall that.

6 Q. This is the information I have.

7 A. That could be possible.

8 Q. On the bank account on the Bank of
9 Montreal at Pape and Danforth?

10 A. I don't recall that, sir; it wouldn't
11 be any large amount of money.

12 Q. Do you remember the Bank of Montreal
13 calling you and saying the cheque was certified?
14 That doesn't ring a bell?

15 A. No, it doesn't.

16 THE COMMISSIONER: Well, we will have a
17 ten minute recess.

18 ---Short recess.

19 MR. MacKINNON: Q. You did state in your
20 evidence a ~~few~~ days ago that you told no
21 one about the money in the ground?

22 A. That's correct.

23 Q. You didn't want' your parents to
24 know?

25 A. I didn't want anybody to know.

26 Q. Did you have a will in 1940?

27 A. 1940?

28 Q. Yes?

29 A. No, not in 1940.

30 Q. What would happen to this money if you



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Q. Now I want to ask you a few questions.

A. Yes, I am ready to answer them.

Q. First, when did you last see the person in question?

A. I don't know.

Q. How long ago was that?

A. I don't know.

Q. Where was this?

A. I don't know.

Q. Did you see anything unusual at that time?

A. No, I don't recall anything unusual.

Q. Did you see anyone else at that time?

A. No, I don't recall anyone else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. How long ago was that?

A. I don't know.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.

Q. Did you see anything else at that time?

A. No, I don't recall anything else.



1 suddenly died?

2 A. They would find an envelope in
3 my cupboard with instructions.

4 Q. Where was the envelope?

5 A. In a coat pocket.

6 Q. They would have to go through
7 your coat pockets before they would find this?

8 A/ Yes, sir.

9 Q. You didn't make any will as to how
10 you wanted this money disposed?

11 A. No.

12 Q. When did you make your will?

13 A. I would say it would be in the
14 1950's.

15 Q. By that time you would have close
16 to fifty thousand dollars in the ground?

17 A. I would think after that.

18 Q. Now, what was going to happen to
19 this money after you died?

20 A. You mean if I died before the will
21 was found?

22 Q/ Yes?

23 A. I had a bank box.

24 Q. What was in the bank box?

25 A. The deed, and so on.

26 Q. What was going to happen?

27 A. I would leave instructions to my
28 wife.

29 Q. In what form?

30 A. Written instructions.



He had a pharmaceutical
firm make the Lewisburg
ointment.

9022/6



1 Q. This was a new direction or did
2 you discuss --

3 A. New one. You did, but I never

4 Q. Where did you make this Dewsbury
5 Ointment?

6 A. (No audible answer).

7 Q. Did you have anything to do with
8 the cream?

9 A. Yes, sir.

10 Q. Is that just another name for
11 Dewsbury Ointment?

12 A. It isn't Dewsbury Ointment.

13 Q. Where did you get the name for the
14 product?

15 A. From --

16 Q. Did McDermott and Feeley have anything
17 to do with it -- any interest in it?

18 A. Yes.

19 Q. You were expanding your products?

20 A. That's right. I did the advertise-
21 ments and we never sold one jar of beauty cream.

22 Q. I take it it was a general venture
23 with Feeley and McDermott?

24 A. Right, sir.

25 Q. You mentioned that a miss (not heard)
26 was Silkstone?

27 A. Yes, sir.

28 Q. How do you know that?

29 A. I have heard.

30 Q. Do you know a Charles Silkstone?



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A. No.

Q. Have you ever heard of him?

A. Probably, yes sir, but I have never heard of him.

Q. You have heard of this incident where they were watching Shrubbs/

A. Yes.

Q. Did you read Wright's evidence before you came here?

A. No, sir.

Q. Not

A. No, sir. I will tell you: I wanted to come here and answer the questions.

Q. You read the papers?

A. Yes.

THE COMMISSIONER:: Q. Did you ever give a statement to anybody?

A. No, I haven't.

MR. WILSON: Q. I notice you mention David Humphrey's - do you know him?

A. Not -- I remember him when he was the crown attorney and once he came in and I never spoke to him from then until now.

Q. You never met him out at McDermott's place?

A. No, sir.

Q. You say you never spoke to Lawrence or Lamsureux?

A. No, sir.



THE UNIVERSITY OF CHICAGO

THESE ARE THE NAMES OF THE

and the 2nd of June

NOV 1950

1894

[illegible]

1930 1931 1932

THE UNIVERSITY OF CHICAGO

1998

^a Based on 1990 data for the 100 largest cities.



Q. Either directly or indirectly?

A. Neither directly or indirectly, I have never spoken to him (sic).

Q. That is all.

---EXAMINED BY MR. BREWSTER:

Q. You were transferred about some time in April, 1954, from the anti-gambling squad?

A. Right.

Q. Apparently then you would not then be in a position, if you had wanted to, to say anything about the anti-gambling squad?

A. That would be reasonable.

Q. And if McDermott and Feeley, if they wanted to find someone who could give them this information on the anti-gambling squad, they would have to look elsewhere?

A. That's right.

Q. They would have to look elsewhere?

A. There would be no use looking at me, for one thing.

Q. You wouldn't tell them?

A. That's right.

Q. In May 1954 you saw him?



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A. No.

Q. When he suggested that you could give tip-off's?

A. At Kingston, as far as I'm concerned.

Q. Well, you can't know how McDermott would know? I suggest to you that after your transfer it was necessary to find somebody else to give tip-off's to Armstrong and Feeley? That was the first but it didn't succeed?

A. I couldn't say.

Q. Then we will come to the Fall of 1954 and Wood has told us that in the Fall of 1954 you approached him at his restaurant?

A. No, that is not right.

Q. At this restaurant in 1954 you discussed with him returning to the force?

A. No, that's not right.

Q. Well, do you mean what Wood said isn't true?

A. What Wood said isn't true. No, it isn't.

Q. Wood is mistaken?

A. Did he say I done that?

Q. He certainly did.

A. I can't help what he said.

Q. Well then, we will come to that.

Shrubb said it was in May, 1955, that Shrubb told about you approaching him?

A. I did?



...and would I feel now, if I ...



1 Q. Did I understand you to say in your
2 opinion Shrubb was honest, if confused, is that
3 right?

4 A. Yes, I would say that's a fair
5 statement.

6 Q. So if Shrubb gave an account, in your
7 opinion, it would be an honest account?

8 A. Honest insofar as police duties
9 are concerned, yes.

10 Q. Yes.

11 A. "I was satisfied that the man was
12 not corrupt.

13 Q. Shrubb told us you had been giving
14 tip-off's?

15 A. If what?

16 Q. Shrubb told us Feeley told him that
17 you had been giving tip-off's?

18 A. If Feeley told him twenty times, I
19 can't help that.

20 Q. Is that wrong?

21 A. No, I would have no explanation.

22 Q. He states, Constable Scott that
23 McDermott told him that you had been working with
24 him?

25 A. Yes.

26 Q. Have you any explanation for that?

27 A. Could it help McDermott? Would it be
28 of any assistance?

29 Q. I am producing some facts.

30 A. No, that is not a fact.



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J F Cronin

9027

1 Q. You have no explanation why
2 McDermott would think that?

3 A. I just explained to you about that.

4 Q. Well, let us go on to what Wright
5 tells us, that he had been a partner of yours.
6 Now, how have you any explanation for that?

7 A. I have no explanation.
8 That is certainly wrong.

9 Q. You think Scott made that up?

10 A. I don't know.

11 Q. Do you have any reasonable
12 explanation why Wright would say you would be?

13 A. Pardon?

14 Q. Do you have any explanation why
15 Wright would say you would be in partnership with
16 him?

17 A. No explanation.

18 Q. Then Wright gives us a story about
19 approaching you six years after leaving the Force.
20 Had you been in contact with him?

21 A/ No, sir.

22 Q. Can you say why?

23 A. I don't know.

24 Q. You don't know why he came?

25 A. I don't know.

26 Q. He hadn't seen you for six years?

27 A. That's right.

28 Q. Why would he return to you for a
29 loan, did he tell you?

30



Q. I just finished the report about the
A. Well, let me go on to what I
told you, that is that there is a provision of money.
and, that have you any suggestions for that?
A. I have no suggestions.
and in connection with
Q. The first part of the report
A. I don't know.
Q. The second part of the report
A. I don't know.
Q. The third part of the report
A. I don't know.
Q. The fourth part of the report
A. I don't know.
Q. The fifth part of the report
A. I don't know.
Q. The sixth part of the report
A. I don't know.
Q. The seventh part of the report
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Q. The eleventh part of the report
A. I don't know.
Q. The twelfth part of the report
A. I don't know.
Q. The thirteenth part of the report
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Q. The fifteenth part of the report
A. I don't know.
Q. The sixteenth part of the report
A. I don't know.
Q. The seventeenth part of the report
A. I don't know.
Q. The eighteenth part of the report
A. I don't know.
Q. The nineteenth part of the report
A. I don't know.
Q. The twentieth part of the report
A. I don't know.



1 A. He started to explain about being
2 transferred and while there he asked me for a
3 loan.

4 Q. And Wright again in another section
5 he was telling about conversations that you told
6 him many things about the underworld. Is he
7 wrong?

8 A. I don't know where he would get
9 that assumption. I didn't tell him anything about
10 that.

11 Q. Therefore his report is wrong?

12 A. At the very least it's wrong.

13 Q. "Sgt Cronin informed me (reading to
14 words) --

15 A. I don't know how he could assume that.
16 That's definitely false.

17 Q. That is another falsehood?

18 A. I don't have that information.

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1 ---BY MR. BREWIN:

2 Q. Mr. Cronin, in respect to this
3 report of May 5th, 1955, that you have been
4 questioned about - you recall that report?

5 A. Yes.

6 Q. That you stated you had a piece of
7 the Veteran's Club at Cookeville?

8 A. Yes.

9 Q. And as I recall your evidence you
10 said Shrubb said he could remedy it in two hours
11 time. Who did you have in mind then?

12 A. He mentioned many Italians that I
13 have never heard before or since.

14 Q. Can you remember any particular
15 one?

16 A. No, no particular one; if I ran
17 into any particular difficulty I would ask any
18 one.

19 Q. Did he ask about anybody else that
20 could be trusted?

21 A. No, I don't recall. He rambled
22 on for about half an hour.

23 Q. What do you mean he rambled on for
24 about half an hour?

25 A. I was cross-examined about Mr.
26 Shrubb.

27 Q. What do you mean when you say he had
28 a confused mind?

29 A. I would say that Shrubb was suspicious
30 of everybody.



ASTOR LENOX TILDEN FOUNDATION

1. The first part of the book is devoted to a general

account of the life of the author, and the

principles of the system of education which

he has adopted.

2. The second part of the book is devoted to a

description of the system of education which

he has adopted.

3. The third part of the book is devoted to a

description of the system of education which

he has adopted.

4. The fourth part of the book is devoted to a

description of the system of education which

he has adopted.

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6. The sixth part of the book is devoted to a

description of the system of education which

he has adopted.

7. The seventh part of the book is devoted to a

description of the system of education which

he has adopted.

8. The eighth part of the book is devoted to a

description of the system of education which

he has adopted.

9. The ninth part of the book is devoted to a

description of the system of education which

he has adopted.

10.

11. The eleventh part of the book is devoted to a

description of the system of education which



1 Q. I see.

2 A. The whole Attorney General's
3 Department.

4 Q. Who was he suspicious of in the
5 Ontario Provincial Police?

6 A. No, I never heard him say he was
7 suspicious of anybody.

8 Q. Did he say anything about the
9 Commissioner?

10 A. I don't recall the Assistant,
11 Commissioner.

12 Q. You don't?

13 A. No, but what he told him was --

14 Q. Was he suspicious of John Anderson?

15 A. No, but what he did tell me was that
16 John Anderson was not cut out for the type of
17 work he's doing; and he should make way for
18 somebody who can do the job.

22 -----
23
24 (Page 9040 follows)



1. The first part of the book is devoted to a general survey of the subject.

2. The second part of the book is devoted to a detailed study of the various aspects of the subject.

3. The third part of the book is devoted to a critical examination of the various theories and methods.

4. The fourth part of the book is devoted to a comparison of the various theories and methods.

5. The fifth part of the book is devoted to a summary of the results of the study.

6. The sixth part of the book is devoted to a discussion of the various problems and questions raised by the study.

7. The seventh part of the book is devoted to a conclusion and a list of references.

8. The eighth part of the book is devoted to an appendix containing various tables and figures.

9. The ninth part of the book is devoted to a glossary of technical terms.

10. The tenth part of the book is devoted to an index of subjects.

11. The eleventh part of the book is devoted to a list of names.

12. The twelfth part of the book is devoted to a list of symbols.

13. The thirteenth part of the book is devoted to a list of abbreviations.

14. The fourteenth part of the book is devoted to a list of footnotes.

15. The fifteenth part of the book is devoted to a list of references.

16. The sixteenth part of the book is devoted to a list of tables.

17. The seventeenth part of the book is devoted to a list of figures.

18. The eighteenth part of the book is devoted to a list of appendices.

19. The nineteenth part of the book is devoted to a list of names.



R/1/AS

J.F.Crenin

9040

1 Q. You say you caught him cheating
2 at cards many times?

3 A. Yes, many times.

4 Q. Was that the only reason why
5 you would not place too much confidence in what
6 he had to say?

7 A. It is quite hard to explain
8 now. Certainly, there were three or four
9 officers of the opinion that he was taking
10 his donuts and coffee without paying.

11 Q. He was not making his
12 contribution?

13 A. That is right.

14 Q. Let me put it to you this
15 way: In respect to the allegation of the
16 untruthful evidence, in respect of the prosecution,
17 did that occur before you left the branch?

18 A. No. I never heard tell
19 of that at that time.

20 Q. I gather that was after you
21 left in 1954?

22 A. It must have been, sir.

23 Q. Mr. Brewin was asking you a
24 question a moment ago, that Wright was supposed
25 to have said to Scott - at least Mr. Brewin
26 suggested to you that you think that Scott
27 made that up, and your answer was that you did
28 not know? Now, may I put this question to you:
29 Do you think here, having regard to what you know
30



...¹⁰ some of the more very good ...

• 2001-2002 •

attorney's fee on that notice and to provide

and to establish the role of the individual in the

... 1944 ...

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1991年12月

[illegible]

to have said to itself - at least it was over it

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È stato fatto il 19.12.1954

[illegible]

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1 of Scott, do you think for a moment that
2 Scott would be capable of making up a statement
3 such as this?

4 A. I do not know Scott at all.

5 Q. You do not know Scott?

6 A. No, I do not.

7 Q. Let me ask you this; During
8 the whole period of time that you were on the
9 Anti-Gambling Squad, did you at any time
10 receive any money from either McDermott or
11 Feeley, directly or indirectly, for providing
12 them with either protection, or tip-offs
13 of any kind?

14 A. Absolutely, under no
15 circumstances, did I receive money from them.

16 THE COMMISSIONER: Either directly?

17 A. Or indirectly.

18 Q. Or any benefits?

19 A. Or benefits.

20 Q. Or any advantages of any
21 kind?

22 A. None whatever, sir.

23 Q. Or any gifts?

24 A. None whatever, sir.

25 THE COMMISSIONER: All right.

26 MR. WILSON: You mentioned earlier
27 in your evidence, that you purchased bonds
28 which were registered in your name?

29 A. That is right.



Don't forget to call us at 1-800-368-3636

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SECRET



1 Q. What is the total amount
2 of those bonds?

3 A. \$2,000, I think.

4 Q. \$2,000?

5 A. I think so.

6 Q. And the reason I ask is,
7 we had the records checked at the Bank of
8 Canada, and we cannot find any bonds having
9 been registered in your name?

10 A. Well, I did sir.

11 Q. When was this?

12 A. That was, I would think in
13 the early 1940's, sir.

14 Q. Did you subsequently dispose
15 of them?

16 A. Yes. I had to take them
17 to a bank; & the manager - - -

18 Q. What year was that?

19 A. I could not say, sir, but
20 I think it would be when I bought the house
21 out - - out here. I think it was in 1956.
22 Maybe before that.

23 Q. Did you buy these bonds
24 before you joined the force or after?

25 A. No, after, sir.

26 MR. MACKINNON: No, it was before.

27 MR. WILSON: Q. You did not take
28 the money out of the ground to buy those bonds?

29 A. No, that was part of - - -
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There is no other person

of these things

which I know

which

I think not

and the reason I was in

we had the person checked at the time of

which was in fact that we had

that person in fact

well, I did not

and the

this was, I would think in

the other hand, was

the person in fact

of these

well, I was in fact

in a fact I was

that person was

I could not say, but

I think it would be when I had

and - out here, I think it was in fact

the person in fact

this was the person

before you found the person

well, I think

the person in fact

the person in fact

the person in fact

the person in fact



1

Q. What?

2

3

A. That would be considered part of the savings?

4

5

Q Part of the savings.

6

THE COMMISSIONER: Part of what?

7

A. Part of the savings; the total.

8

9

Q You told us you had - - do you mean the \$35,000 buried in the ground? Now the bonds were not part of that?

10

11

12

A. The bonds were part of the overall stake, sir.

13

14

15

16

17

Q Do not get confused. You say you had \$30,000 to \$35,000 buried in the ground. And all of that had come out of your savings?

18

19

20

A. That is right.

21

22

23

24

Q And you say this \$2,000 was in addition to that?

25

26

27

28

A. No, it would not be in addition to that. It would not be in addition to that. Any bonds I bought since, since I joined the Provincial Police, would be part of that \$30,000.

29

30

Q Do you mean part of the \$30,000 that was buried in the ground?

A I did not count the actual money that was in the ground.

Q Of course you did not. But you said there was certain money in the ground.



1937-1938 1939-1940 1941-1942 1943-1944

... 1942

THE UNIVERSITY OF CHICAGO

[illegible]

STATE OF NORTH CAROLINA

DATE: 7/10/86 BY: JIM GILBERT

It would not be in violation to have

[illegible]

10-10-1968

187. 216 227 228 229 230 231

THE UNIVERSITY OF CHICAGO



1 And, it amounted to \$30,000 to \$35,000?

2 A. I saved it.

3 Q. And it was in the ground.

4 A. The money was in the ground.

5 Q. The bonds were not in the ground?

6 A. No. It was not.

7 Q. And the bonds were purchased
8 out of your savings?

9 A. That is right.

10 MR. WILSON: Mr. Commissioner, he
11 told us he had \$50,000 to \$55,000 altogether
12 in the ground. He had \$20,000 before he
13 joined the force, and then he saved \$30,000
14 or \$35,000.

15 THE COMMISSIONER: From his earnings
16 on the Force?

17 MR. WILSON: Yes. (To the witness)

18 You told me you bought \$2,000 in
19 registered bonds, after you joined the Force.
20 That is what you are saying today?

21 A. Yes.

22 Q. When you were examined on
23 page 8012, you told me in 1941, when you joined
24 the force, you had \$20,000. Is that it?

25 A. That is right.

26 Q. I asked you how you had that
27 invested, and you said: "I would certainly have
28 some in registered bonds."

29 Q. What kind of bonds?



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2.8.1914

and 12 months of 1914, 1915 and 1916

I have 12.

and it was in the house.

The house was in the house.

The house was in the house.

No. It was not.

And the house was in the house.

and it was in the house.

Yes it is right.

Yes it is right. Mr. Commissioner, he

told me he was in the house in 1914.

In the house, he was in the house in

1914 and 1915, and then he moved to 1916.

He moved.

The house was in the house.

on the house.

Yes, it was in the house.

The house was in the house in 1914.

The house was in the house in 1914.

That is what you are saying today?

Yes.

When you were arrested in

1914, you told me in 1914, when you joined

the force, you told me in 1914.

That is right.

I asked you when you were

arrested, and you told me in 1914.

Yes.

That is right.



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"A. Registered bonds.

"Q. Government bonds?

"A. Yes."

A. That is right, sir.

Q. Did you have, also, registered bonds before you joined the Force, as well?

A. I certainly assumed they were registered bonds.

Q. Which story do you want me to accept? That you had registered bonds before you joined the Force, as well as you had purchased more, after? What is the story?

A. I had purchased several bonds, sir, and I certainly had bonds when I joined the Force.

Q. How much, in bonds?

A. I think about \$2,000.

Q. Before you joined the Force?

A. Yes, and I think they were registered bonds and I know I had to sign my name on them, and fill them out when the bank manager was cashing them in.

Q. If you had that \$2,000 before you joined, how much more did you have after?

A. I think I had possibly, at one time, \$4,000 or \$5,000 in registered bonds; because I had to borrow some money when I bought that home out there, and I had to leave the bonds in the bank over at Parliament and Gerrard, and



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1 get a loan on the bonds, and I could not do
2 it, and I had to cash in the bonds.

3 Q. You could not get a loan
4 on the bonds?

5 A. No.

6 Q. Why?

7 A. I do not know why; I was
8 quite perturbed about it.

9 Q. What bank was this, at
10 Gerrard?

11 A. I do not know the name.

12 Q. Was that the one at the north-
13 east corner?

14 A. No. The south-west corner
15 I think.

16 Q. The south-west corner?

17 A. I think so.

18 Q. You do not even know which
19 bank it was?

20 A. No, I do not.

21 Q. Did you ever have a safety
22 deposit box there?

23 A. Yes.

24 Q. When did you first get the
25 safety deposit box there?

26 A. I could not tell you.

27 Q. Have you still got it?

28 A. Not there. I have it at
29 Dixie Plaza.
30



Q. Now I want to ask you a question.

A. Yes, I am ready to answer.

Q. You said that you had a son.

A.

Q. How old is he?

A.

Q.

A.

Q.

A.

Q. I am going to ask you a question.

A.

Q. Now I want to ask you a question.

A. Yes, I am ready to answer.

Q.

A. Yes, I am ready to answer.

Q. Now I want to ask you a question.

A.

Q.

A.

Q. Now I want to ask you a question.

A.

Q.

A. Yes, I am ready to answer.

A.

Q.

A.

Q. Now I want to ask you a question.

A.

Q.

A.

Q.

A.

Q. Now I want to ask you a question.

A.

Q.

A.

Q. Now I want to ask you a question.

A.

Q.

A. Yes, I am ready to answer.

A.

Q. Now I want to ask you a question.

A.

Q. Now I want to ask you a question.

A.

Q.



1 Q. And you say the bank would
2 not loan you money on the security of Government
3 Bonds?

4 A. No. I did not get a loan
5 on the Government bonds.

6 Q. I see.

7 A. I could not get a loan.
8 I do not know whether I had \$2,000 bonds, or
9 not, and I forget what I was short for the
10 payment at the house at Agincourt.

11 THE COMMISSIONER: Q. What year
12 was that?

13 THE WITNESS: 1956.

14 MR. WILSON: Q. 1956. Is that
15 the one at Scarborough?

16 A. No.

17 Q. In Agincourt?

18 A. No, no, no. I mean Dixie,
19 if I said Agincourt, I meant Dixie.

20 Q. It was Kenneth Drive you
21 purchased in 1956?

22 A. Yes.

23 Q. Did you sell your \$1,000
24 in bonds in 1956?

25 A. Yes.

26 Q. Through that particular
27 bank?

28 A. Yes, I think so, sir.

29 Q. On August the 5th, 1958,
30 according to Exhibit 241, there was a deposit



and you are the only one

who can do this for me

Thank

I am not a fool

and I am not a fool

I am not a fool

I am not a fool

I am not a fool

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I am not a fool

Thank

I am not a fool

I am not a fool

I am not a fool



1 by your wife, of bond coupons totalling \$100.

2 What bonds would those be?

3 A. I do not know sir. In what
4 year?

5 Q. In 1958?

6 A. I mean, I thought I had
7 cashed in the bonds. I certainly have no bonds
8 now. If there were some bonds left over,
9 from then, then what it was, I do not recall;
10 whether I sold them or not.

11 Q. In May 1955, when you had
12 this talk with Shrubbs, you say that he suggested
13 it would be a good idea if vanZuben took over
14 the Anti-Gambling Branch?

15 A. I did not say that.

16 Q. Just a few minutes ago?

17 A. No.

18 Q. What did you say about vanZuben?

19 A. vanZuben was in the traffic
20 division.

21 Q. What did you say to Mr. Rose?

22 A. That Shrubbs had said that
23 Anderson would be better in a detail like that,
24 than where he was.

25 Q. What did you say about vanZuben?
26 That he should go back?

27 A. No, no, no. That Anderson
28 would be better.

29 Q. Doing the type of work that
30



Letter of the good friend to the

THE UNIVERSITY OF CHICAGO

1965-1966

Page 10 of 10

216 1959 216 1959 216 1959 216 1959 216 1959

CONFIDENTIAL REPORT IS BEING FORWARDED



1 vanZuben was doing?

2 A. That is right.

3 Q. It did not sound like that,
4 but that is what you say you are saying?

5 A. That is right.

6 MR. WILSON: That is all. Oh, what
7 bank is the safety deposit box in, at the Dixie
8 Plaza?

9 A. The same bank. The Canadian
10 Bank of Commerce. It is number 325.

11 MR. WILSON: That is all the evidence
12 I have. You will be here in the morning.

13
14 ---Whereupon the hearing adjourned until
15 Friday, June 29th, 1962.
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MEMORANDUM

TO : DIRECTOR, FBI

FROM : SAC, NEW YORK

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

Very truly yours,
[Illegible Signature]

File Copy

Volume #

43

Royal Commission on Crime,

Friday June 29/62.

Pages 9050-----9122.



INDEX TO WITNESSES

(1)

JOHN P. McDERMOTT,

Examined by
Mr. Wilson 9069

Mr. MacKinnon..... 9093

Mr. Rose 9094

JOHN FRANCIS CROWIN (Recalled)

Examined by
Mr. Wilson..... 9102

Mr. MacKinnon..... 9114



INDEX TO EXHIBITS

(11)

No.	Page	Description
249-A	9053	Telegram from Hon. Leslie Frost to the Commissioner, dated June 29, 1962.
249-B	9053	Copy of letter from Hon. Leslie Frost to Mr. Wintermeyer dated July 26th, 1961
249-C	9053	Copy of Globe and Mail article dated June 28, 1962.
250	9060	Letter dated July 26, 1961 from Attorney General to Mr. Wintermeyer.
252	9090	Cheque, dated November 23/56, Dominion Bank, Don Mills Branch payable to Mr. and Mrs. John F. Grenin.
249-D	9101	Letter dated July 7, 1961, to Hon. Leslie M. Frost from Eric Scott.



(11)

LIBRARY

	Date	Page
The first of the year was a very successful one for the library. The number of books borrowed was 1,200 and the number of new books added was 500.	1900	100
The second of the year was also a very successful one for the library. The number of books borrowed was 1,300 and the number of new books added was 600.	1901	100
The third of the year was a very successful one for the library. The number of books borrowed was 1,400 and the number of new books added was 700.	1902	100
The fourth of the year was a very successful one for the library. The number of books borrowed was 1,500 and the number of new books added was 800.	1903	100
The fifth of the year was a very successful one for the library. The number of books borrowed was 1,600 and the number of new books added was 900.	1904	100
The sixth of the year was a very successful one for the library. The number of books borrowed was 1,700 and the number of new books added was 1,000.	1905	100
The seventh of the year was a very successful one for the library. The number of books borrowed was 1,800 and the number of new books added was 1,100.	1906	100
The eighth of the year was a very successful one for the library. The number of books borrowed was 1,900 and the number of new books added was 1,200.	1907	100
The ninth of the year was a very successful one for the library. The number of books borrowed was 2,000 and the number of new books added was 1,300.	1908	100
The tenth of the year was a very successful one for the library. The number of books borrowed was 2,100 and the number of new books added was 1,400.	1909	100
The eleventh of the year was a very successful one for the library. The number of books borrowed was 2,200 and the number of new books added was 1,500.	1910	100



FRIDAY, JUNE 29TH, 1962

---The Commission convened at 11:07 a.m.

THE COMMISSIONER: Mr. Wilson?

MR. WILSON: Mr. Commissioner, I have a telegram here, dated the 29th of June, 1962, from the Honorable Leslie Frost, addressed to you, which I want to read:

"Amazed to read in Thursday's
"Globe and Mail that two letters
"said to have been sent by Mr.
"Wintermeyer to me June last,
"concerning one Eric Scott were
"introduced as exhibits without
"my reply. The newspaper comments
"these letters were introduced as
"Exhibits at the Commission, but
"it was not revealed whether Mr.
"Frost replied to Mr. Wintermeyer."
"A copy of my reply to Wintermeyer
"with the newspaper report is being
"delivered to you. My reply
"was clearly suppressed which is
"misleading to the Commission,
"deceitful, and completely unfair to
"me. The Wintermeyer letters were
"introduced by a hearsay witness.
"They should have been introduced



CONFIDENTIAL

—The following is a summary of the case.

On October 10, 1954, the following information was received:

At 10:00 a.m., the following information was received:

A telephone call, dated the 10th of June, 1954,

from the following source, was received:

"The source is a man of about 40 years of age."

"He is a man of about 40 years of age."

"He is a man of about 40 years of age."

"He is a man of about 40 years of age."

"He is a man of about 40 years of age."

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"He is a man of about 40 years of age."

"He is a man of about 40 years of age."

"He is a man of about 40 years of age."

"He is a man of about 40 years of age."



1 "by Wintermeyer himself with my
2 reply. Wintermeyer has counsel
3 who enters the Liberal Party case,
4 "hearsay or otherwise, at will,
5 "while a person like myself has to
6 "read this travesty in the newspapers.
7 "I submit that political parties
8 "should not be represented, but
9 "if they are, then counsel should
10 "be present to protect the
11 "reputations and good names of citizens
12 "who can be very seriously maligned
13 "by half-truths of this sort. The
14 "Commission itself can be made a
15 "political sounding board. I ask
16 "that this telegram, my reply letter,
17 "and the newspaper article be
18 "entered in the proceedings."

19 THE COMMISSIONER: Have you got
20 something else?

21 MR. WILSON: I had better read the
22 letter that Mr. Frost wrote, and I have a copy
23 of the letter dated July the 26th, 1961.

24 "Dear Mr. Wintermeyer,

25 " I acknowledge your letter of the
26 "17th instant. I may say that I
27 "have handed the same to the
28 "Attorney General in whom I have
29 "complete confidence. May I point
30



1 "out that Mr. Gordon Ford, Q.C.,
2 "is retained as Crown counsel in
3 "certain matters which are presently
4 "before the courts. Mr. Scott
5 "I am advised was engaged by Mr.
6 "Ford in a private and junior
7 "professional capacity. It would
8 "seem to me that the proper course
9 "would be for Mr. Ford, who is a
10 "man of integrity, experience and
11 "standing at the bar, to advise
12 "the Attorney General in relation
13 "to matters of that sort, and I am
14 "satisfied that he has done so.
15 "I may say that in prosecuting
16 "certain elements of the gambling
17 "fraternity, the law authorities
18 "are dealing with blackmailers,
19 "name droppers and people of that
20 "ilk. I understand that before
21 "the initiation of certain proceedings
22 "the Crown was fully aware of
23 "remarks which had been made by
24 "certain elements which in no way
25 "altered the determination of the
26 "officials to proceed with the
27 "prosecution. I am sure Mr. Ford
28 "has advised the Attorney General
29 "of any relevant features of this
30



THE UNIVERSITY OF CHICAGO

LIBRARY OF THE DIVISION OF THE PHYSICAL SCIENCES

521 EAST 58TH STREET, CHICAGO, ILL. 60637

ACQUISITION OF BOOKS AND SERIALS

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"matter, not only as they affect
"these cases, but also the public
"interest."

Now, together with the copy of the newspaper
article, of the Globe and Mail of June the 28th,
that will be one Exhibit.

THE COMMISSIONER: 239?

THE REGISTRAR: 249. 249-A, B and C.

THE COMMISSIONER: 249, I am sorry.

---EXHIBIT NO. 249-A: Telegram from Hon. Leslie
Frost to the Commissioner.
dated June 29, 1962.

---EXHIBIT NO. 249-B: Copy of letter from Hon.
Leslie Frost to Mr.
Wintermeyer, dated
July 26th, 1961.

---EXHIBIT NO. 249-C: Copy of Globe and Mail
article dated June 28, 1962.

MR. MacKINNON: I wonder if my friend - - -

MR. WILSON: I am not quite finished,
Mr. MacKinnon.

Now, Mr. Commissioner, if the reply
of Mr. Frost had been brought to my attention
on Wednesday, I most certainly would have
introduced it in evidence at that time.

THE COMMISSIONER: I am wondering
where it was on Wednesday.

MR. WILSON: Whether my friend had it,
I do not know.

MR. MacKINNON: This came out of the



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1 file of Mr. Graham.

2 THE COMMISSIONER: Graham.

3 MR. WILSON: That is all that was put in

4 THE COMMISSIONER: I know it did; but
5 how did it come about, that the file that
6 Mr. Graham had in his possession did not
7 include Mr. Frost's reply?

8 MR. MACKINNON: You would have to ask
9 Mr. Graham. I never saw that file before till
10 he was in the box, and I asked for all his
11 reports.

12 THE COMMISSIONER: He got it from
13 Scott?

14 MR. MACKINNON: Apparently he got it
15 from Mr. Scott, or a copy of the letter from
16 Mr. Scott.

17 THE COMMISSIONER: Then, you had
18 better ask Mr. Scott?

19 MR. MACKINNON: I understand there are
20 other letters as well.

21 THE COMMISSIONER: The matter was
22 left the other day with the inference that
23 Mr. Frost did not reply.

24 MR. MACKINNON: I do not think so.
25 It was just what was in the file, from this
26 witness, and that all went in. I mean, this
27 letter from Mr. Frost is not the end of it.
28 There is other correspondence.

29 THE COMMISSIONER: I do not know. It is
30



THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

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THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear

that you are all well.

THE CHAIRMAN: I am glad to hear



1 the end, at the moment, as far as I know.

2 MR. MACKINNON: Well, it can be
3 as far as I am concerned, so that when the
4 witnesses do get in, we can put in all the
5 correspondence at the same time, it seems to
6 me.

7 THE COMMISSIONER: All right.

8 MR. WILSON: You will recall, Mr.
9 Commissioner, that these documents were
10 introduced as part of Exhibit 243. It was
11 a report by Inspector Graham, dated July the
12 28th, 1961, and he had attached to his report
13 copies of a memorandum of Eric Scott, dated
14 July the 11th, 1961, a copy of Mr. Wintermeyer's
15 letter to the Honourable Leslie Frost, dated
16 July the 17th, 1961, and a copy of Mr. Wintermeyer's
17 secretary's letter, covering, to Mr. Scott,
18 dated July the 18th, 1961. But, there of
19 course was not attached to his report Mr.
20 Frost's reply, nor was there attached to
21 Inspector's Graham's report a letter written
22 on the same day by the Attorney General, which
23 has now come to my attention.

24 THE COMMISSIONER: Dated what?

25 MR. WILSON: It is dated July the 26th,
26 1961, and the Attorney General, to Mr.
27 Wintermeyer.

28 "Dear Mr. Wintermeyer:

29 Your letter # dated July 17th,
30



the day I do not go, because I am not

at home at 11:00

and now I am not at home at 11:00

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1 "1961, addressed to the Prime Minister
2 "has been handed to me by Mr. Frost
3 "for attention and reply.

4 " As you know, there is an appeal
5 "pending to the Ontario Appellate
6 "Court from the acquittal by a
7 "jury of certain accused persons. There
8 "are also a number of charges
9 "against one or other of these persons
10 "yet to be heard.

11 " As you are no doubt aware,
12 "Mr. Gordon Ford, Q.C. is presently
13 "retained to represent the Crown in the
14 "above-mentioned jury case. As I
15 "understand the matter, Mr. Eric
16 "Scott, a Solicitor, was employed by
17 "Mr. Ford as an assistant and a junior
18 "in the case. Mr. Scott, therefore,
19 "in such professional capacity, would
20 "have, in the ordinary course,
21 "available to him information of a
22 "confidential nature. You must
23 "understand that in cases of this
24 "sort the Crown is dealing with a
25 "class of persons who are name-droppers
26 "who assert acquaintanceship with all
27 "sorts and classes of people. This is
28 "part of their stock-in-trade and
29 "technique.
30

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U.S. DEPARTMENT OF THE INTERIOR

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IN DEPT. OF COMMERCE, BUREAU OF ECONOMIC RESEARCH

of 1907, of which the amount is \$100.00



1 It is therefore amazing,
2 "to say the least, that a junior,
3 "over the head of his counsel,
4 "while the case is still before the
5 "courts, should take it upon himself to
6 "reveal to anyone without the full
7 "authority and knowledge of his
8 "superior information which has been
9 "so obtained, including gossip of
10 "the sort that I have mentioned.
11 "All of this had been obtained in
12 "the meticulous preparation of the
13 "case where no factor was overlooked.
14 "It is unbelievable that a junior
15 "Solicitor should use this
16 "confidential information to cast
17 "doubt on persons occupying responsible
18 "positions of trust in the Department
19 "of the Attorney-General.

20 I may say that no approach
21 "has ever been made to me personally
22 "concerning this matter by Mr. Scott,
23 "If he had taken this course, I should
24 "have at once asked Mr. Ford, who
25 "is the counsel engaged by the Crown,
26 "to sit in on the discussion.

27 My door in my official
28 "capacity is, of course, open to all
29 "who have matters of official and
30



THE HISTORY OF THE

"The day the Lord, that is, the day"

"even the Lord of the world,"

"while the Lord is still in the world"

"there, should have been a sign of it"

"never to appear within the walls"

"of the city, and the Lord of the world"

"the Lord of the world, the Lord of the world"

"the Lord of the world, the Lord of the world"

"the Lord of the world, the Lord of the world"

"All of this had been mentioned in"

"the various prophecies of the"

"Lord of the world, the Lord of the world"

"to be fulfilled in the day of the"

"Lord of the world, the Lord of the world"

"of the Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"of the Lord of the world, the Lord of the world"

"I say, say, say, say, say, say, say, say"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"

"The Lord of the world, the Lord of the world"



1 "and personal business which relate to the
2 "responsibilities of my Department.

3 "I have the right to expect that
4 "these approached will be made in the
5 "proper manner and in this case I
6 "feel that the approach should have
7 "been made through the counsel
8 "whom the Crown has retained and by whom
9 "the Solicitor was employed.

10 " " Let me assure you that I have
11 "the utmost confidence in the honesty
12 "and integrity of my officials.

13 "They are engaged in work involving
14 "extensive and grave responsibilities.

15 "In most cases they have many years
16 "of honourable and distinguished
17 "service in the practice of their
18 "profession and before the courts of the
19 "land.

20 " " I have had several discussions
21 "relative to these matters with special
22 "counsel retained by the Crown.

23 "I am satisfied that Mr. Ford has
24 "disclosed to me and has explained the
25 "evidence and also the statements
26 "gossip and insinuations which
27 "investigated persons have made.

28 "Mr. Ford has done his work painstakingly
29 "and meticulously and I am certain that
30

[illegible]



1 "there is nothing known to Scott
2 "which is not known to Mr. Ford
3 "and which has not been discussed with
4 "me and my Department by him.
5 "If Mr. Scott has disclosed to
6 "Mr. Ford any matters of relevance
7 "either to this case or to the
8 "public interest, I am satisfied
9 "that Mr. Ford has disclosed them to me
10 "and that I am with knowledge
11 "concerning the same.
12 " May I conclude by repeating
13 "that I have the utmost of confidence
14 "in my officials. They are
15 "persons of high reputation and
16 "integrity. Until there is placed
17 "before me concrete evidence calling into
18 "question the honesty of any of these
19 "officials, I shall continue to repose
20 "in them the confidence which I feel
21 "their service and experience merits.
22 "I realize, and I think you will
23 "realize, that they are here engaged in
24 "difficult work and with suspected
25 "persons whose stock-in-trade is to
26 "drop names. I may say that most
27 "of this unsupported gossip was known to
28 "the officials before they ever proceeded
29 "with the cases and I doubt that there is
30

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I have managed to find some time to write to you.



1 "anything about which I am not
2 "acquainted and my officials are not
3 "acquainted.

4 Again I point out that
5 "the proper and professional method
6 "of dealing with this matter would
7 "have been for Mr. Scott to have placed
8 "anything resulting from his
9 "investigations before his employer,
10 "Mr. Gordon Ford, Q.C.

11 "Yours sincerely."

12 There is a notation on that letter:

13 "Delivered to Mr. Wintermeyer's
14 "office and left with his secretary,
15 "Miss Foster, at 4:00 p.m. July
16 "the 26th, 1961, by me."

17 And it is signed "Miss A. Winfield."

18 And that will be Exhibit 250.

19
20 ---EXHIBIT NO. 250: Letters, dated July 26th,
21 1961, from the Attorney
22 General to Mr. Wintermeyer.

23 MR. MACKINNON: Have you got
24 Wintermeyer's reply?

25 MR. WILSON: I had thought my friend
26 would have it in his file; that last letter
27 from the Attorney General.

28 Now he asks me whether I have the
29 further document.

30 MR. MACKINNON: I have no original.



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1 I have the copy; I will read it, if you
2 have not got it.

3 MR. WILSON: And I have not got it.

4 MR. MACKINNON: May I read it now?

5 Mr. Wintermeyer's reply, dated August the 1st,
6 1961?

7 "Dear Mr. Roberts

8 " I am in receipt of your
9 "letter dated July the 26th, with
10 "respect to the visit of Mr. Eric
11 "Scott to my office. I understand
12 "your position to be that it is
13 "extraordinary that a junior counsel,
14 "ever the head of his senior, and
15 "while the case is still before the
16 "courts, should use confidential
17 "information obtained in the course
18 "of his retainer to cast doubt on
19 "persons in the Department of the
20 "Attorney General. Furthermore,
21 "you suggest that any approach should
22 "have been made exclusively by senior
23 "counsel. You further suggest
24 "that you doubt that Mr. Scott can
25 "advise you of anything in respect
26 "to this matter, other than what you
27 "have already been told by Mr. Ford.
28 "And further, you express the opinion
29 "that you are confident you are as
30

[illegible]



1 "knowledgeable as Mr. Scott about
2 all matters arising out of the
3 prosecution. It is my opinion that
4 "it is imperative that certain factors
5 "be established. I believe these to
6 "be the following.

7 " (a) Both Mr. Scott and
8 "Mr. Ford have the same client, that
9 "is the Crown and that each has his
10 "own individual duty to that client.
11 " (b) The fact that the
12 "proceedings have not been concluded
13 "has no relevance to the question
14 "as to the nature of the duty of either
15 "Mr. Ford or Mr. Scott to his
16 "client, and how it should be
17 "discharged.

18 " (c) I understand it was
19 "disagreement on this very question
20 "between Mr. Scott and Mr. Ford which
21 "resulted in the withdrawal of Mr.
22 "Scott from the proceedings, and Mr.
23 "Scott's subsequent offer to lay
24 "before the Prime Minister matters
25 "which he considered should be put
26 "before him as an advisor of the
27 "client, who is Her Majesty.

28 " (d) I do not understand
29 "that a junior counsel after withdrawing
30



1	THE FIRST PART OF THE HISTORY OF THE REFORMATION OF ENGLAND
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28	THE TWENTY-EIGHTH PART OF THE HISTORY OF THE REFORMATION OF ENGLAND
29	THE TWENTY-NINTH PART OF THE HISTORY OF THE REFORMATION OF ENGLAND
30	THE THIRTIETH PART OF THE HISTORY OF THE REFORMATION OF ENGLAND



1 "from a case is bound to refrain
2 "from acquainting the client with
3 "anything that he has learned in the
4 "course of his retainer, merely
5 "because his former senior objects.

6 "I acknowledge, however, that the
7 "client can refuse to see the junior
8 "counsel, as has so far been the
9 "case in the present instance.

10 " (e) It may be that
11 "Mr. Scott should have sought out
12 "your office rather than the office
13 "of the Prime Minister, but there
14 "was nothing to prevent you personally
15 "having Mr. Ford present when you
16 "talked to Mr. Scott, if you had seen
17 "fit to do so.

18 " (f) It may also be that
19 "you already know what Mr. Scott desires
20 "to tell you, but evidently Mr. Scott
21 "does not think this is so, and it
22 "would seem to me that, particularly
23 "in criminal matters of the nature
24 "of those here involved, it is not
25 "sufficient for the Attorney General
26 "to decline to see junior counsel
27 "on this assumption or on the grounds
28 "that anything that may bring into
29 "question any person in the Department
30



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1959年 10月 15日 星期五 (11)



1 "of the Attorney General engaged in
2 "the enforcement of criminal law,
3 "must necessarily be unfounded.

4 It would seem to me that such an
5 "attitude might well be dangerous,
6 "and not in the public interest.

7 "Therefore, on the section, it is
8 "my expectation that you will agree with
9 "the observations I have outlined
10 "above and, having regard to your
11 "duty to the public, I would ask
12 "that Mr. Scott be given the opportunity
13 "to lay before the Crown advisers what
14 "he had to say.

15 " In view of the fact that
16 "I have been advised by the Prime
17 "Minister that he has transferred this
18 "matter to you, I therefore appeal
19 "to you, as senior Crown adviser in
20 "this matter, to give Mr. Scott the
21 "opportunity to lay before you the
22 "information that he has.

23 " Yours sincerely,
24 " John Wintermyer."

25
26 THE COMMISSIONER: What is the date
27 of that?

28 MR. MACKINNON: August the 1st, 1961.
29 And then there was the reply from Mr. Roberts,
30



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1 saying that his door was always open, as I
2 understand it, and I believe the evidence has
3 already been given that Mr. Scott did attend
4 at some time at Mr. Roberts' office. I do not
5 know the date.

6 THE COMMISSIONER: Did this end
7 this correspondence?

8 MR. MACKINNON: I believe so. With
9 the letter, from Mr. Roberts saying that his
10 door was open - - I do not know whether Mr.
11 Wintermeyer replied to that or not. But I
12 suggest this: That this would have been
13 all cleaned up, and would have been dealt with
14 properly, if Mr. Wilson had followed what
15 he gave me to believe on March the 2nd this
16 year, to be his procedure; and I have a letter
17 dated that date, which stated that six the
18 eleventh witness to be called was Mr. Eric
19 Scott. Mr. Eric Scott was not called. On
20 May the 29th, I wrote to you, sir, suggesting
21 a number of names, who had not as yet been
22 called, and amongst them was Mr. Eric Scott.
23 I would like to read to you what I wrote
24 in that letter. I was not concealing anything.
25 My friend knows; he is getting his instruction
26 from the Attorney General's Department. He
27 knows that is going on.

28 MR. WILSON: Mr. Commissioner, I want
29 to assure you that I was appointed by the
30

30 30 00 00 00

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now they are not but will be again in 1960.

single is no way of doing it all at once

7. I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME BY THE PERSON OR PERSONS NAMED ABOVE.

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1 Premier, and I have not been receiving any
2 instruction from the Attorney General's Department
3 as to how I should conduct my work in this matter.
4 And I think that is a highly improper statement
5 for my friend to make. It is rather unworthy
6 of him, too.

7 MR. MACKINNON: If I may read this
8 it is about the third page of my letter of
9 May the 29th, 1962:

10 "Scott, as you are aware, attempted
11 "to see the Premier of this Province
12 "and the Attorney General without
13 "success over his concern as to
14 "matters which had transpired in
15 "the O.P.P. and the Attorney
16 "General's office. Mr. Wintermeyer
17 "intervened on his behalf and
18 "wrote to both the Premier and the
19 "Attorney General, and, as a result,
20 "Mr. Scott was interviewed by the
21 "Attorney General. It was prior
22 "to the interview and after Mr. Scott
23 "had acted as junior counsel on the
24 "prosecution of Feeley and McDermott
25 "that the Attorney General saw fit
26 "to have a private investigation
27 "made of this member of the bar.
28 "This shows, I suggest, a rather
29 "startling concept of the proper
30



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1 "administration of justice in the
2 "Provinces, that must be gone into
3 "in the course of these hearings. "

4 Now, a copy went to Mr. Wilson, of
5 that letter; and this is what I had, and this
6 is what I was telling you, sir.

7 The only reason Mr. Graham was in the
8 box was, he had these things in his file,
9 and he brought them out and I had not seen that
10 file before.

11 If there are any other matters that
12 Mr. Wilson wants to put in, I would be happy
13 to have them in.

14 Mr. Scott obviously knew what had
15 happened; he would have introduced them, but
16 he has not been called, and I asked for him,
17 as recently as May the 29th of this year.
18 I have a more recent letter asking for him.

19 THE COMMISSIONER: I do not know
20 whether Mr. Scott knew Mr. Wintermeyer had
21 written to the Attorney General.

22 MR. MacKINNON: I think he did.
23 He was asking Mr. Wintermeyer to intervene
24 so he should have known that.

25 THE COMMISSIONER: Rome was not
26 built in a day!

27 MR. MacKINNON: That is right, and
28 we cannot put everything in at the same time.

29 THE COMMISSIONER: I quite realize that.
30



"Investigation of ... in the ..."

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1 And, in due course, Mr. Wintermeyer, and the
2 Attorney General and any other persons who had
3 anything to do with the matter will be called
4 as witnesses.

5 MR. MACKINNON: And Mr. Scott too?

6 THE COMMISSIONER: And Mr. Scott, too,
7 if he can contribute anything.

8 MR. MACKINNON: I beg your pardon?

9 THE COMMISSIONER: If he can contribute
10 anything. Anything that we do not know about.
11 I do not know whether he can, or he can not.
12 We will see. There has to be some semblance
13 of order of the presentation of the evidence.
14 From time to time I have conferred with
15 Mr. Wilson, as to what that order should be,
16 and exercising our best judgment, we have
17 called the witnesses at the times that we
18 thought were the most convenient and
19 expeditious, for the proper investigation of the
20 matters, in sequence, and so on and so forth.

21 Now then, what is next?

22 MR. WILSON: I call Mr. McDermott.

23 Not the Mr. Joseph McDermott, but the other one.
24 What is his name? J.P. McDermott.



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JOHN P. McDERMOTT, sworn:

EXAMINED BY MR. WILSON:

Q. You are a practicing solicitor in the City of Toronto?

A. Yes, I am, sir.

Q. And how long have you been engaged in the practice of law?

A. Since 1952, sir.

Q. And where do you carry on your practice?

A. In Don Mills, Ontario.

Q. Now, we have had some evidence about a meeting that took place in the office of Mr. David Humphrey at which there were present Mr. Humphrey, Mr. Joseph McDermott, Mr. Vincent Feeley, Mr. John Cronin and yourself?

A. Yes sir.

Q. Now, do you recall the meeting?

A. Vaguely, sir, yes.

Q. Why do you say vaguely?

A. I had been drinking prior to my attendance at this particular office.

Q. Yes?

A. And I was in a confused state of mind, as a result of having consumed - - -

Q. Do you recall how you came to go to Mr. Humphrey's office?



1944-1945

OTHER ACTIVITIES

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1 A. Yes. Going back earlier,
2 about two months prior to that time, I had
3 been contacted by the Department of National
4 Revenue.

5 THE COMMISSIONER: By whom?

6 THE WITNESS: The Department of
7 National Revenue, concerning some cheques and
8 bank accounts involving Mr. Cronin; and after
9 I received an authorisation from the Department
10 of National Revenue, I got out my old files,
11 and I got out my cancelled cheques, and I
12 forwarded them a cheque, which I had issued
13 from my trust account, to Mr. and Mrs. Cronin.
14 And at this time, of course, I believed he
15 was merely being investigated for income tax
16 and I did not relate him as the John Cronin who
17 was involved in this probe. And then, sometime
18 subsequent to that, and I cannot remember exactly,
19 I was phoned, by, I believe, an inspector,
20 or a Sergeant Adair of the Provincial Police
21 and he did not contact me directly; I was
22 away all afternoon and he left two or three
23 messages with my secretary and he mentioned,
24 I believe to her that it was involving John
25 Cronin.

26 So, at this time, I attempted to
27 phone Cronin at the last phone number I had
28 for him, which was written on my file, and I was
29 unable to contact him.
30



Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.

Q. Yes, that's correct.

A. Yes, that's correct.



1
2 Subsequently I heard he was to appear
3 before the Commission, and when I got back
4 to my office that day of the meeting in Mr.
5 Humphrey's office, and I had been at a golf
6 tournament, there was a message to phone
7 Mr. Cronin.

8 I knew I could not reach him at the
9 number I had, so I phoned Mr. Humphrey and
10 he said that Mr. Cronin would be in his office
11 within the next half hour; if I cared to drop
12 down, which I did.

13 THE COMMISSIONER: Just a moment.
14 When you got back to your office, from the golf
15 game, there was a message from whom?

16 A. From a Mr. Cronin, to
17 call a Mr. Cronin.

18 THE COMMISSIONER: And where to reach
19 him?

20 A. And not knowing where to
21 reach him, I believed that Mr. Humphrey would
22 know where to reach him; so I telephoned Mr.
23 Humphrey's office. I think this would be
24 about 3:30 or four in the afternoon. And Mr.
25 Humphrey told me Mr. Cronin would be in his
26 office in about half an hour.

27 I subsequently attended Mr. Humphrey's
28 office and Mr. Feeley and Mr. McDermott -
29 in fact, everyone was there, and Mr. Humphrey
30 asked me upstairs for a drink.





1
2 MR. WILSON: Q. You had had a few
3 drinks, before you arrived?

4 A. Yes, I had, yes I had.

5 Q. Were you in need of another
6 drink?

7 A. No, I was not, sir.

8 Q. What do you recollect of
9 what occurred after that time?

10 A. Frankly, I do not even
11 recollect Mr. Cronin's being there. But it
12 is six years since I had seen him, and from
13 pictures I have seen, and so on, he has put
14 on some weight, and he now wears glasses, and
15 I do not remember him being there at all.
16 I remembered Mr. McDermott and I making some
17 jokes about the similarity of our names, and the
18 problems he was having and so on and so forth,
19 and that is about it.

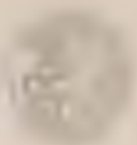
20 I do not remember leaving Mr. Humphrey's
21 office at all.

22 Q. It has been said that you
23 talked about some transaction in which you were
24 ~~involved~~ involved, or acting for Cronin, and he
25 had brought in two bags of money totalling
26 \$185,000.

27 A. I do not recall making that
28 statement.

29 Q. Is that a fact?

30 A. No, that is not a fact.



Q. You had had a lot

of work, didn't you?

A. Yes, I had, yes I had.

Q. Now you are kind of

relaxed?

A. No, I was not, sir.

Q. What do you consider

that country after that time?

A. Tremendous, I do not even

remember it, I don't know, I don't

in the same place I had been here and there

because I was not, and so on, in the past

at some point, and he was very different, and

it was not something like that, I think it was.

I remember it, I remember it, I remember it

because of the similarity of my name, and the

people he was having and so on and so forth.

and that is about it.

Q. I do not remember having Mr. Kennedy's

office at all.

A. It has been said that you

looking about your property in which you were

very interested, or something like that, and so

and everything in the way of money, nothing

more.

A. I do not recall anything like

that.

Q. That is all?

A. Yes, that is all, I think.



1 Q. And then, it is said that
2 you made some statements about your acquaintanceship
3 with the Commissioner?

4 A. I have never met the
5 Commissioner to this day, sir, and I have never
6 appeared before him professionally.

7 Q. And then there is some
8 evidence to the effect that you knew his daughter;
9 the Commissioner's daughter?

10 A. I do not know this, sir.
11 I have not read the transcript. I only read
12 the newspaper account.

13 Q. Well, did you make such a
14 statement?

15 A. I do not remember making
16 such a statement.

17 Q. Do you in fact know the
18 Commissioner's daughter?

19 A. I do not know sir.
20 I do not know any Miss Roach. It is possible, over
21 a period of the years that I have met a Miss
22 Roach, but I do not know of any Miss Roach now.

23 Q. Well then, the evidence
24 to
25 is also, the effect that you said that the son
26 had got into a lot of trouble in Windsor, and
27 that the Commissioner had - - had - - that this
28 had something to do with business money?

29 A. If I may interrupt you at
30 this point, sir: I doubt very highly that I



U.S. DEPARTMENT OF JUSTICE

Washington, D.C. 20535

Very truly yours,

WILLIAM J. BENTLEY

Attorney General

Enclosed for the Honorable Earl Warren, U.S. Supreme Court Building, Washington, D.C. 20540, are two copies of the report of the Commission on the Assassination of President John F. Kennedy.

Very truly yours,

WILLIAM J. BENTLEY

Enclosed for the Honorable Earl Warren, U.S. Supreme Court Building, Washington, D.C. 20540, are two copies of the report of the Commission on the Assassination of President John F. Kennedy.

The Commission's findings

A. I do not know this, and

I have not read the transcript. I only read

the summary report.

Q Well, did you read such a

statement?

A Yes, but I cannot recall

the details.

Q Do you in fact know the

Commission's findings?

A I do not know that.

I do not know any more than that. It is possible, even

a portion of the report that I have not a clear

recollection, but I do not know of any other persons who

will read, and believe

Q

in mind, the effect that you read that the son

and put into a lot of trouble in the past, and

that the Government had - had - had this

and something to do with evidence against

A If I say anything you can

and print, yes. I shall say what I



1 made this statement, simply because I never
2 knew that the Commissioner came from Windsor,
3 or had any association with Windsor.

4 Q. Did you ever know the son?

5 A. No, I did not know the
6 Commissioner had a son.

7 Q. Or, did you know that the
8 Commissioner left Windsor?

9 A. I did not know the Commissioner
10 ever lived any place other than Toronto.

11 Q. Are you saying, in effect,
12 this was a pretty confused evening, as far
13 as you are concerned?

14 A. Yes, very much so.

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20 (Page 9085 follows)



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Q. Well now, you did act for John Cronin and his wife in regard to a real estate transaction?

A. Yes, sir.

Q. And that involved what property?

A. One property on Piedmont Road in Agincourt and another on Kenneth Drive.

Q. I think that would be Reidmount, 8 Reidmount Avenue, Scarborough?

A. Yes, that would be right. Actually, it is just outside of Agincourt, I believe.

Q. And that would be in September of '54?

A. No, sir, if I can refresh my memory, I think, from my file, it would be around 1956.

Q. Had you acted on the sale or purchase?

A. On both the sale of Reidmount and the purchase of Kenneth.

Q. You are right if you merely acted on the sale of Reidmount. That took place on the 19th of November, 1956.

A. I didn't act on the purchase of Reidmount, which took place approximately a couple of years earlier. Another solicitor named Mr. Lutes, L-u-t-e-s. If I can just refer to my file.



Q. Well now, you did not see

John Brown and his wife in regard to a

very large amount of money.

A. Yes, sir.

Q. And you found that

money

A. Yes, sir, in the house.

Q. In the house and in the room where

you found it?

A. Yes, sir, in the room where

you found it.

Q. And that was in the room

where

A. And that was in the room

where

A. Yes, sir, in the room where

you found it.

Q. And that was

A. And that was in the room

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A. And that was in the room

where the purchase of the house

A. Yes, sir, in the room where

you found it.

Q. And that was in the room

A. And that was in the room

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A. And that was in the room

where the purchase of the house

Q. And that was



1 Q. He has been referred to in
2 evidence. I do not think we need to go
3 into that. Did you act on the purchase of
4 1508 Kenneth Drive in Port Credit on behalf
5 of the Cronins?

6 A. Yes.

7 Q. And that was the 30th of July,
8 1956?

9 A. Actually, to pinpoint the date
10 would be difficult on both these transactions
11 for this reason, on the sale of Reidmount
12 there was a cloud on title which had not
13 been cleared earlier when the title was
14 searched, and when I was arranging the sale,
15 or advising the Cronins re the sale I had
16 to obtain certain declarations from them and
17 from other lawyers to clear this title to
18 the satisfaction of the purchaser's solicitor.
19 And that took a considerable period of time.
20 Almost a month, I believe. I am speaking
21 now partly from memory and partly from
22 notes I have made of copies of letters I
23 have in my file.

24 Q. I am not too concerned about
25 the exact date.

26 A. It was around that time. It
27 would be concluded on ---

28 Q. I understand it required about
29 \$12,000 cash to carry out the purchase of
30 the Kenneth Road property?



Q. He has been referred to in

the report of the committee on the

fact that he was on the purchase of

1900 Remond's house in New Orleans on credit

of the Groceries?

A. Yes.

Q. And that was the end of July,

is it?

A. Actually, he supplied the house

with an inventory of goods from the grocery

store, and he was the only one of the

household who was not a member of the

household earlier than the time when

he came, and when I was supplying the house

on credit the Groceries to the end I had

of credit, and he was the only one of the

household who was not a member of the

household of the household's collection,

and that took a considerable period of time.

Almost a month, I believe. I am speaking

of the first two months of the year.

Q. Now I have made of copies of January I

have in my file.

Q. I am not too concerned about

the exact date.

A. It was around that time, I

would be concerned on --

Q. I am not too concerned about

\$10,000 and so early one was purchased of

the household's collection.



1 A. If I may refer to my file
2 again. About \$10,500 I think would be a
3 little closer to the figure. The offer to
4 purchase ---

5 Q. That will be sufficient for
6 my purposes. How did the Cronins provide
7 you with the funds to complete the purchase?

8 A. I picked up about \$1,000 in
9 funds from the sale of Reidmount. The
10 balance of the payment was secured by a
11 promissory note from the new purchase, Mr.
12 Randall. Subsequently ---

13 THE COMMISSIONER: How much was the
14 note, roughly?

15 A. I believe \$5,000, my lord.

16 MR. WILSON: Q. Well, as a matter
17 of fact, when you say you picked up a thousand
18 on Reidmount it was, in fact, on the sale
19 of the Scarborough property ---

20 A. Yes, that is right.

21 Q. That is the one on Reidmount?

22 A. Yes, sir.

23 Q. Apart from that, moneys you
24 got from the sale of Reidmount, in what form
25 did the Cronins give you any moneys that
26 you required to complete the purchase of the
27 Kenneth Drive property?

28 A. I believe at the time of
29 closing, on the purchase of Kenneth Drive
30 the present Judge Timmins acted for the vendor,



A. If I may refer to my file
 about 210,000 I think would be a
 little closer to the figure. The other is

Q. That will be sufficient for
 my purposes. How did the figures provide
 for the two items on which the estimate

A. I placed no more than \$1,000 in
 funds from the sale of the property, the
 balance of the property was received by a
 beneficiary from the new property, it

THE COMMISSIONER: How much was the
 more, roughly?

A. I believe \$7,000, my total.
 Q. Right, \$7,000, as a matter
 of fact, when you say you placed up a thousand
 on the property it was, in fact, on the sale
 of the property property ---

A. Yes, that is right.
 Q. But in the one on the property

A. Yes, sir.
 Q. From the sale of the property, in what form
 did the money come and how much was
 you received to complete the purchase of the

A. I believe as the sale of
 about \$7,000, on the purchase of the property, the
 the present time the money was for the property



1 and because of the delay in picking up funds
2 from the sale of Reidmount they agreed to
3 accept a promissory note from Cronin, for
4 a period of, I believe, of about two months.
5 And Cronin signed this note, and I delivered
6 it to Judge Timmins. And I believe, I
7 believe he had delivered a deed to me at
8 that time. The thing was sort of kept
9 in a static state.

10 Q. I am not concerned with the
11 details. I want to know what funds the
12 Cronins gave you to complete this transaction.

13 A. Subsequently they delivered
14 a cheque to me, I believe, I believe
15 payable to Timmins and McDermott, a law
16 firm downtown, or payable to the vendor,
17 a Miss Taylor.

18 Q. Was that cheque the Cronins'
19 cheque?

20 A. I can't recall. In other
21 words, I don't know whether Cronin signed
22 the cheque, because I don't remember.

23 Q. How much was the cheque for?

24 A. About \$4,500-odd. The exact
25 amount is \$4,571.92.

26 Q. And that would be around
27 August 15th, 1956?

28 A. Yes, correct, sir.

29 THE COMMISSIONER: That would be
30 the amount required, then, to pay the promissory



1 note?

2 A. That is correct, sir.

3 MR. WILSON: Q. Would be \$4,571.92?

4 A. Yes, that is right, exactly.

5 MR. WILSON: Mr. Commissioner, we
6 find that debit in Exhibit 242-D, the
7 account of Mrs. Marguerite Cronin, account
8 No. 1334, the Bank of Nova Scotia, under
9 that date.

10 Q. Have you got the cheque on
11 the Reidmount transaction, or the particulars
12 of it?

13 A. I have it here, sir.

14 Q. What are the particulars of it?

15 A. Well, this is a cheque drawn
16 on my trust account with the Dominion Bank,
17 Don Mills branch, dated November the 23rd,
18 1956. I have a notation in the corner of
19 it: "Balance of proceeds, 8 Reidmount". It
20 is for \$933.74, and it was endorsed by
21 John F. Cronin and Mrs. John F. Cronin.
22 And it was cleared through the Canadian Bank
23 of Commerce at the Dixie Plaza, Port
24 Credit, on December 10th, 1956.

25 Q. Was that the only cash flow
26 from the sale of Reidmount that went to the
27 Cronins?

28 A. Yes. There was a small amount,
29 one small amount, the return of part of
30 the real estate commission from Brethour and



Quesada

A. Yes, sir.

Q. What is the name of the company?

A. Yes, that is right, exactly.

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

Q. What is the name of the company?

A. I have it here, sir.

Q. What are the particulars of the

A. Well, this is a check drawn

on my bank account with the National Bank,

San Jose, dated November 1929,

1929. I have a notation in the corner of

it: "Balance of proceeds, 8 Retention", it

is for \$22.74, and it was endorsed by

John A. Quesada and I, and it is correct.

And it is correct because the National Bank

of Commerce at San Jose, Costa Rica,

credits, on December 1929, 1929.

Q. Was there any other cash from

from the sale of the property that went to the

company?

A. Yes, there was a small amount,

one small amount, the amount of one or

the 1929 return was made by the National Bank



1 Morris. In other words, their deposit was
2 higher than their commission, and they
3 sent me a cheque payable for \$25, payable
4 to the Cronins, which I merely mailed to
5 them.

6 MR. WILSON: We will file that as
7 Exhibit 251.

8 THE SECRETARY: 252.

9 THE COMMISSIONER: Proceeds of sale
10 of 8 Reidmount, received by Cronin. What
11 is the date of that?

12 THE SECRETARY: November 23rd, 1956.

13
14 ---EXHIBIT NO. 252: Cheque dated Nov. 23, 1956,
15 Dominion Bank, Don Mills
16 Branch, payable to Mr.
and Mrs. John F. Cronin.

17 MR. WILSON: Q. Well now, am I right
18 in saying that the purchase of 1508 Kenneth
19 Drive, there was a deposit of --- maybe
20 I had better give it to you as I have it.

21 A. Yes.

22 Q. The purchase price, \$26,500?

23 A. That is correct.

24 Q. First mortgage assumed, \$9,000?

25 A. That is correct.

26 Q. Second mortgage back, \$5,500?

27 A. That is correct.

28 Q. Balance on closing, \$10,500?

29 A. That is correct.

30 Q. Now, as I understand your evidence,



...in other words, that deposit was
 ...some no a certain payable for ...
 to the ... which I ...
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... there was a deposit of ...

I had better give it to you as I have it.

...

... The purchase price, ...

... That is correct.

... That mortgage ...

... That is correct.

... Second mortgage ...

... That is correct.

... balance on ...

... That is correct.

... Now, as I ...



1 you have accounted for a cash flow of \$4,000?

2 A. That is correct.

3 Q. How do we account for the
4 balance of \$8,000?

5 A. Well, I am only - I would only
6 be guessing, sir, but I think it would be
7 a safe guess to assume that Cronin delivered
8 me a cheque, certified, probably, payable to
9 the vendor or the vendor's solicitor. And
10 the reason I usually requested a cheque in
11 this manner was that due to the fact that
12 my practice was small and I didn't have
13 any secretarial help at that time. This
14 cut down my bookkeeping entries and so on.
15 In other words, instead of having the funds
16 payable to my trust account, and me issuing
17 out a cheque later to the other solicitor,
18 I usually instructed my clients to issue
19 the cheque directly to the vendor or the
20 vendor's solicitor.

21 Q. Well, there is no question
22 but that you required, or he required about
23 \$12,000 to close the transaction?

24 A. That is -- I would say about
25 \$10,000.

26 Q. Well, I am adding in the
27 \$1,500 deposit.

28 A. Yes, the deposit, that would
29 be correct.

30 Q. And did he give you any part of



Q. Now, I am going to ask you to read the first page of the report.

A. Yes, I will.

Q. Now, as we examine the first page of the report, I am going to ask you to read the first paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the second paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the third paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the fourth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the fifth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the sixth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the seventh paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the eighth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the ninth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the tenth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the eleventh paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the twelfth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the thirteenth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the fourteenth paragraph.

A. Yes, I will.

Q. Now, I am going to ask you to read the fifteenth paragraph.



1 these funds in cash?

2 A. Not to my recollection.

3 Q. If he had, would they have
4 gone through your trust account?

5 A. Yes, it would have had to.

6 Q. Is there any record of any cash ---

7 A. No.

8 Q. -- in this transaction from
9 him going through your trust account?

10 A. No, sir, there is not.

11 Q. But you haven't any particulars
12 for any cheque for the other \$8,000?

13 A. No, sir, I don't. I know
14 my practice generally was to have the
15 client make the cheque payable to the vendor
16 or the vendor's solicitor, for the reasons
17 I mentioned to you.

18 MR. WILSON: That is all, thank you.

19 THE COMMISSIONER: Any questions,
20 Mr. MacKinnon?

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1 EXAMINED BY MR. MacKINNON:

2 Q. Did you know Mr. Joseph
3 McDermott prior to this visit to Mr. Humphrey's
4 office?

5 A. No, I had never met him.

6 Q. You had never met him?

7 A. No.

8 Q. And did you know how Mr. Cronin
9 happened to come to your office, or who
10 introduced him to you?

11 A. Actually ---

12 Q. When he first came to your office?

13 A. Yes. Actually, I believe I
14 was practising from a shack which was the
15 only office space available at that time
16 in Don Mills, and I believe Mr. Cronin
17 phoned me early one morning -- when I say
18 "early", I mean around nine-thirty -- and
19 asked me if I would handle a real estate
20 transaction for him. And I think later
21 on, within an hour, something like that, he
22 dropped in the offer of purchase in my office
23 and I proceeded with the transaction.

24 Q. In other words, it was no
25 one introduced him to you or recommended
26 you to him?

27 A. Not to my knowledge.

28 Q. And you didn't know Mr. Feeley?

29 A. No.
30



STATE OF TEXAS, COUNTY OF DALLAS.

And you know Mr. Joseph

... ..

Office

A. No, I had never met him.

Q. You had never met him?

A. No.

Q. And did you know how Mr. Joseph

happened to come to your office, or was

introduced him to you?

A.

Q. When he first came to your office?

A.

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A. Not to my knowledge.

Q. And you didn't know Mr. Joseph?

A. No.

EXAMINED BY MR. ROSE:

1
2 Q. Just shortly, Mr. McDermott,
3 I gathered in regard to this meeting with
4 Mr. Feeley and Mr. McDermott, who were
5 present with Mr. Cronin, you don't remember
6 too much about what was said?

7 A. That is correct, sir.

8 Q. And you say that you feel you
9 said you knew the Commissioner, even though
10 you didn't know him?

11 A. I don't think so, sir. I
12 don't recall any part of the conversation.
13 I had a talk with Mr. Humphrey for about
14 twenty minutes or half an hour before Mr.
15 McDermott and Mr. Feeley came in, and
16 certainly Mr. Cronin. I don't recall whether
17 Mr. Humphrey did or not, but, well, it
18 was the main thing I can remember, we were
19 all making a game joke about the similarity
20 of names. And that is all. I don't
21 recall the Commissioner's name being mentioned
22 at any stage of the conversation. But
23 I must admit I had too much to drink.

24 Q. Are you saying you didn't
25 mention these matters concerning the
26 Commissioner and his family, or that you
27 don't recall mentioning them?

28 A. Well, I am saying I don't
29 recall any part of the conversation concerning
30

[illegible]

1. The first of these is the fact that the

I have a small note for you. I hope you are well.

10. The following information is for your information only:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



1 the Commissioner.

2 Q. Now, you say you were a little
3 under the weather, were you?

4 A. Yes, I was.

5 Q. And I believe you told my
6 friend, Mr. Wilson, that this business
7 about delivering to you \$185,000 in cash in
8 a couple of paper bags, in a paper bag, did
9 you say that?

10 A. I don't recall saying that,
11 no, sir.

12 Q. Would there be any reason
13 for you saying that?

14 A. No, sir. As a matter of fact,
15 I doubt very much this part of the thing,
16 simply because it is fantastic.

17 Q. You know Mr. Sol A. Gebirtig?

18 A. Yes, I know Mr. Gebirtig.

19 Q. And, as a matter of fact,
20 the night before this meeting in Mr.
21 Humphrey's office, you were at the Seaway
22 Motel?

23 A. Yes.

24 Q. And you met Mr. Gebirtig and
25 his wife in the Seaway Motel?

26 A. Yes.

27 Q. That night you were sober?

28 A. I don't think I met Mrs. Gebirtig.

29 Q. Well, you were in good
30 condition that night, I presume, the night



Q. Now, you say you were a little

Q. Now, you say you were a little

A. Yes, I was.

Q. And I believe you were at

Q. Now, you say you were a little

Q. Now, you say you were a little

Q. Now, you say you were a little

Q. Now, you say you were a little

A. I don't recall saying that.

Q. Now, you say you were a little

A. I don't recall saying that.

Q. Now, you say you were a little

A. No, sir. As a matter of fact,

I could very well think back of the thing.

Q. Now, you say you were a little

A. You know Mr. Sol A. Gellman?

A. Yes, I know Mr. Gellman.

Q. And, as a matter of fact,

the report before this meeting in St.

Q. Now, you say you were a little

Q. Now, you say you were a little

A. Yes.

Q. And you met Mr. Gellman and

Q. Now, you say you were a little

A. Yes.

Q. Now, you say you were a little

A. I don't know I met him.

Q. Now, you say you were a little

Q. Now, you say you were a little



1 before?

2 A. Well, I might not have been,
3 I don't recall.

4 Q. Did you not say to Mr. Sol
5 Gebirtig in the Seaway Motel the night
6 before about Cronin, that Cronin had
7 delivered \$185,000 in cash in a paper bag
8 to your office, and it took you and your
9 secretary two weeks to count it?

10 A. No. The only conversation I
11 had with Mr. Gebirtig about Mr. Cronin on
12 that evening was I told Mr. Gebirtig that
13 I had believed Mr. Cronin was a motel owner.
14 And he said, "Where was the motel?" and I
15 said I believed down in Kingston. And he
16 asked me what he paid for it. And I said
17 I believed around \$185,000, but I didn't
18 know because I didn't handle the transaction
19 for him.

20 Q. And was that the only
21 discussion concerning money in connection
22 with the ---

23 A. No, actually I met with Mr.
24 Gebirtig to discuss another client.

25 Q. Was that the only conversation
26 with Mr. Gebirtig about Cronin bringing in
27 any money, or any money in connection with
28 Cronin?

29 A. Yes, I believe that is correct.

30 Q. When you went up to this meeting



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1 in Mr. Humphrey's office, as a matter of
2 fact, what happened, Cronin, McDermott and
3 Feeley were already there sitting upstairs
4 at this coffee table when you came in with
5 Mr. Humphrey?

6 A. No, I believe Mr. Humphrey's
7 office is in an old house, is it not? And
8 I believe we walked up to the third floor.
9 There was a receptionist down on either
10 the first or the second floor. And Mr.
11 Humphrey and I sat down. We were only
12 there, as I say, a few minutes when Mr.
13 Feeley and Mr. McDermott came in, and I
14 was introduced to them. That is my recollection.
15 I think I was there first, and they came
16 in, you know, a short time, let's say
17 fifteen minutes, ten minutes later.

18 Q. If the statements that you
19 say you evidently could not have made in
20 front of Cronin, Feeley and McDermott --
21 you read, of course, that Cronin said these
22 statements were made?

23 A. Yes.

24 Q. How do you account for that
25 at all, have you any explanation why Cronin
26 would say that?

27 THE COMMISSIONER: What statements,
28 concerning myself?

29 MR. ROSE: Concerning you, sir.

30 THE WITNESS: I don't know. I can't

[illegible]



1 understand (a) what advantage it would
2 be to him; or (b) I have no evidence I can
3 give against Cronin. As far as I was
4 concerned he was a motel operator and he
5 bought a house and sold a house. That is
6 all I ever knew about him.

7 THE COMMISSIONER: Mr. Rose asked
8 you about the statements concerning me
9 and my family. You never met me before
10 in your life, as far as I know?

11 A. No, sir, I have not.

12 Q. Do you ever remember meeting
13 any of my family?

14 A. No, sir, I do not know who
15 your family is. I don't know where you
16 live.

17 MR. ROSE: Q. I wonder why Cronin
18 would say these things under oath.

19 A. I am not denying, I am not
20 denying. I am just saying I don't remember.
21 I was intoxicated. I had several drinks
22 golf
23 at the course, I had several drinks, or
24 two or three drinks, anyway, I believe, in
25 Hugphrey's office. And what I am saying,
26 I don't remember any part of the conversation.
27 I remember meeting them. I remember that
28 Mr. -- I 'm not sure whether it was
29 McDermott or Feeley had on a light summer
30 suit, it was unseasonably warm, and I admired
the suit. And there was the joke going on



1 about the name McDermott. It was a party
2 atmosphere. And that is all I remember.

3 THE COMMISSIONER: Did you know Mr.
4 Humphrey before?

5 A. Yes, he graduated roughly the
6 same time I did.

7 MR. ROSE: Q. He graduated in 1952?

8 A. He was somewhat earlier than
9 I.

10 Q. There was some joke about a name?

11 A. Yes. I made the joke about
12 I wished I had changed mine, and he laughed.

13 Q. Did you not have some difficulty
14 in New York City being taken off a plane
15 because of a similarity of the name McDermott?

16 A. No.

17 MR. ROSE: All right, that is all,
18 thank you.

19 MR. WILSON: No further questions.

20
21 ---The witness retired.

22
23
24
25 MR. WILSON: Mr. MacKinnon, I think
26 if you want to deal with that.

27 MR. MacKINNON: I think in fairness
28 to Mr. Frost's complaint, and maybe Mr.
29 Scott will be complaining, the Telegram is in
30 and I think in fairness to Mr. Scott, I have



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1 a copy of a letter - I thought my friend
2 might have the original - written on
3 July 7th, 1961 to the Honourable Leslie
4 M. Frost, from Eric Scott. I think
5 your lordship will appreciate this was
6 after he tried to see the Premier. He
7 then wrote a letter. He made this after
8 that time, and says:

9 "Honourable Sir, ---"

10 THE COMMISSIONER: What is the date?

11 MR. MACKINNON: July 7th, 1961.

12 MR. WILSON: I think if my friend
13 wants Mr. Scott to come here and give
14 evidence --

15 THE COMMISSIONER: Let me see it.

16 MR. MACKINNON: Why bother with the
17 other telegrams and letters, then?

18 MR. WILSON: I think the trouble
19 started with the first letter going in on
20 a questionable basis.

21 THE COMMISSIONER: For what it is
22 worth.

23 MR. MACKINNON: May I read it in,
24 then?

25 THE COMMISSIONER: Yes.

26 MR. MACKINNON: (Reading):

27 "Honourable Sir, ---"

28 " I am a lawyer and have

29 "done some work for the Crown

30 "in recent bribery trial, Regina



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1 "vs. Wright, et al. In the
2 "course of this work I came
3 "across what I believe to be
4 "strong evidence that
5 "corruption exists in the
6 "Attorney-General's Department.

7 " I attempted to see you
8 "on Thursday, June 29 last,
9 "but was referred to Mr. McIntyre,
10 "to whom I conveyed the above
11 "information.

12 " I had hoped that you would
13 "have called me in to see you
14 "before now.

15 " I will be available any
16 "time next week with the exception
17 "of Tuesday and Thursday afternoon.

18 " I remain, your obedient
19 "servant,

20 " 'Eric Scott'

21 THE COMMISSIONER: Better make that
22 part of Exhibit 249, so we will have all
23 the correspondence together.

24
25 ---EXHIBIT NO. 249-D: Letter dated July 7, 1961,
26 to Hon. Leslie M. Frost,
27 from Eric Scott.

28 THE COMMISSIONER: All right, next
29 witness.

30 MR. WILSON: I will call Mr. Cronin.



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1 JOHN FRANCIS CRONIN, Recalled

2
3 EXAMINED BY MR. WILSON:

4 Q. Did you hear the evidence of
5 the last witness?

6 A. No, I did not, sir.

7 Q. Well, he has told us that he
8 acted -- that is, John J.P. McDermott ---

9 A. That is right, sir.

10 Q. That he acted for you on the
11 sale of 8 Reidmount Avenue and the purchase
12 of 1508 Kenneth Drive?

13 A. That is right, sir.

14 Q. And that he says in order to
15 carry out the purchase of 1508 Kenneth
16 Drive, it required about \$12,000, including
17 the deposit from you and your wife, to
18 complete the transaction?

19 A. That is right, sir.

20 Q. And he says that he got one
21 cheque for \$4,500-odd, which we have traced
22 into Mrs. Cronin's account. And that leaves
23 roughly another \$7,500 to account for,
24 which he says he received in the form of
25 a cheque payable either to the solicitors
26 for the vendor or the vendor herself.
27 Now, does that help you recollect the
28 manner in which you paid for the -- paid
29 the cash portion of the purchase of the
30 Kenneth Drive property?



THE [illegible] [illegible]

[illegible]

[illegible]

[illegible]

A. [illegible]

B. [illegible]

[illegible]

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C. [illegible]

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A. [illegible]

B. [illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



1 A. No, it does not, sir.

2 Q. It does not at all?

3 A. It certainly doesn't if you
4 say there was a deposit of \$4,500.

5 Q. A deposit of \$1,500 and it
6 required \$10,500 to complete the transaction.

7 A. Right, sir.

8 Q. On closing.

9 A. I understood you to say there
10 was a cheque for \$4,000 ---

11 Q. We have accounted for \$4,500
12 \$4,571.92.

13 A. Mr. Wilson ---

14 Q. It went through your wife's
15 account, 1334, in the Bank of Nova Scotia.

16 A. I don't recall it. But would
17 it not possibly be a deposit that day, if
18 it was, would it not be deposited about
19 the same day it was paid out?

20 Q. You misunderstand me.

21 THE COMMISSIONER: You don't understand.
22 There was \$1,500.

23 MR. WILSON: Q. There was \$1,500
24 deposit, and it required another \$10,500
25 to complete the transaction when you got
26 a conveyance of that property from your
27 solicitor?

28 A. Right, sir.

29 Q. We have accounted for \$4,571.92.

30 THE COMMISSIONER: We know where that



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28. the twenty-eighth is the fact that the
29. the twenty-ninth is the fact that the
30. the thirtieth is the fact that the



1 case from.

2 MR. WILSON: Q. We know that came
3 out of your wife's account.

4 A. Right, sir.

5 Q. The witness McDermott said
6 the balance came to him in the form of a
7 cheque payable either to the solicitors
8 for the vendor or the vendor herself. Now,
9 that would be roughly in the amount of
10 or the order of \$7,500. And what I am
11 asking you, on what account was that cheque
12 drawn?

13 A. None, sir.

14 Q. What do you say was the source
15 of the form in which that \$7,500 was paid?

16 A. It would have to be cash.
17 And I, to be honest, I didn't know there
18 was a cheque --- That is what I mean. Have
19 you checked that cheque?

20 Q. Never mind that cheque. Just
21 get your story on the cash. You say -
22 it is \$7,500, more or less, approximately
23 that amount.

24 A. Right, sir.

25 Q. And you are swearing as you
26 gave to McDermott \$7,500 cash to close
27 the transaction?

28 A. I don't recall giving him
29 \$7,500 cash. As a matter of fact, Mr.
30 Wilson, and I have never called anybody about

[illegible]



1 this, I know I was somewhat short about
2 this, I know I had to give Mrs. Taylor -
3 and I never talked to her - a note for the
4 balance.

5 Q. We know that. But it still
6 required \$7,500 to complete it.

7 THE COMMISSIONER: \$7,500 to discharge
8 the note.

9 MR. WILSON: Q. The note formed part
10 of the \$7,500.

11 A. Yes, that is right.

12 Q. And the note was in the form
13 of \$4,500?

14 A. I don't know.

15 Q. You say any balance, apart
16 from the cheque that went from your wife's
17 account, was in the form of cash?

18 A. Mr. Wilson ---

19 THE COMMISSIONER: Q. Is that what
20 you say?

21 A. To the best of my recollection,
22 I think it was. I naturally thought it
23 was all cash. I didn't know there was
24 \$4,500. I had forgotten. I think it is
25 fair to assume that this was just deposited
26 and the cheque issued. It seems I probably
27 gave the wife ---

28 MR. WILSON: Q. Don't get confused,
29 you are not that stupid. This was a cheque
30 that was used by your wife and yourself on your



Q. Now I want to ask you about

the fact that you were in the

and I never told you that - I mean the

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Q. Now I want to ask you about



1 wife's account to pay part of the balance
2 required to complete the purchase?

3 A. Right, sir.

4 THE COMMISSIONER: What he is
5 suggesting to you is that cash for about
6 that amount of money was deposited, you
7 say the day before?

8 A. I don't know, Mr. Roach. I
9 am not sure whether or not we had \$4,500.
10 It was possibly just put in two or three
11 days before that.

12 MR. WILSON: Q. Yes. As a matter
13 of fact, in that account, it is not anything
14 to help us to solve the riddle of the
15 balance, there was in fact a deposit of
16 \$6,650. on the same day, August 15th, 1956,
17 in that account.

18
19
20 (Page 9107 follows)



1. The account is not one of the kind

2. The account is not one of the kind

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A. Mr. Wilson, I am at a loss to explain. I do not know - I didn't know we had that amount, an amount like that - honest to God, I did not know. Please go back a week before and see if there was \$2,000 or \$1,000.

Q. It is not going to ~~sk~~ help us. That is all the money that went through that account for the use for the purchase, to apply to the purchase of this property. You have told us there was no difference between that figure, and the amount required to close it, in the form of cash.

THE COMMISSIONER: Q. Is that what you say?

A. I do, sir.

MR. WILSON: Q. And it was in cash that you gave it to Mr. McDermott?

A. I would turn it over to Mr. McDermott or my wife, but I think it was Mr. McDermott himself.

Now, if you will only listen, please. I have testified that I had no amount like that in. I did not know I had. Is it all right to ask if it was built up, that money, one week before that transaction.

Q. I can tell you ---

THE COMMISSIONER: The same day.

MR. WILSON: Q. The same day a cheque was drawn for \$4,571.92. There was a



Q. Now, I am at a loss

to understand what you mean by that

and I am not sure I can explain it

to you, but I will try to do so

as best I can

Q. Now, I am at a loss

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1 deposit of \$6,650, and that was August 15,
2 1956. You say earlier - as a matter of
3 fact, it was July 27, and there was a
4 deposit of \$1,009.87, and a cheque was
5 drawn for \$1,000.

6 A. Drawn out?

7 Q. Yes, the same day.

8 A. I think ---

9 Q. That is not going to help us
10 to account for cash of \$7,500. Now, now,
11 you had a telephone call this morning, I
12 am instructed?

13 A. I did, sir.

14 Q. Right here on this floor?

15 A. Yes.

16 Q. And from whom?

17 A. I don't know. I don't know.

18 He said that it was a Mr. Quigley.

19 THE COMMISSIONER: Q. Quigley?

20 A. Yes, that is right.

21 MR. WILSON: Q. And you do not know ---

22 A. If I never get out of this
23 box, I don't know who it was. I have no
24 idea who it was and I did not like it. I
25 had no part of it.

26 THE COMMISSIONER: Q. You had no
27 part of what?

28 A. The phone call.

29 MR. WILSON: Q. Well, you had this
30 phone call from Mr. Quigley, and what was



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1 it about?

2 A. Yes, I had this call - somebody
3 told me that I was wanted long-distance
4 on the phone. The first thing that came
5 to my mind was that it was the motel. I
6 spoke on the phone and a man said, "Long-
7 distance", and he started saying something
8 about - I hung up.

9 Q. The man that said "this is
10 long-distance"?

11 A. Yes.

12 Q. That was the man you were
13 talking to?

14 A. Yes.

15 Q. And where was it from?

16 A. I don't know. I have no idea.

17 Q. You did not talk to the
18 operator, you say you talked to the man?

19 A. There was no operator. I
20 don't know.

21 Q. What did he say where he was?

22 A. No.

23 Q. And what was he telling you?

24 A. Mr. Wilson, I had no part of
25 it. The man came and got me and ---

26 THE COMMISSIONER: Q. You have told
27 us that. Now, you answered the phone?

28 A. I did.

29 Q. And what did the man on the
30 other end of the phone say?

甲子年正月



1 A. He said: "You are a witness
2 there today. You tell this Commission
3 what is going on. Tell this Commission
4 what is going on. You know what is going
5 on." It was something to that effect.
6 I asked, I asked what his name was and
7 he said his name was Quigley, and I said
8 I didn't know him, and I put the phone down.
9 I told him not to call me. I did not
10 know him. They were words to that effect.
11 I told him I didn't know him. I hung up.

12 MR. WILSON: Q. That is all there
13 was to that?

14 A. Yes, it is.

15 Q. Well, now, there is just
16 one further point that I am going to ask
17 you about.

18 A. May I say this, sir. Until
19 they called my name I have kept my word
20 and I have not talked to anyone on the phone
21 directly or indirectly until that happened.

22 THE COMMISSIONER: Q. You have
23 no idea who it was?

24 A. No, I have no idea who it
25 was.

26 Q. Or where he was calling you
27 from?

28 A. No, sir, I do not know. I
29 did not recognize the voice. It was not
30 the voice of an acquaintance of mine that



Q. Now, you say that you are a witness.

A. Yes, I am.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

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A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.

A. Yes, I did.

Q. Now, you say that you saw the defendant on the day of the murder.



1 has changed his voice, I am sure of that.

2 MR. WILSON: Q. One further point.

3 In your talk with Mr. Wood at Port Hope,

4 did you tell him that you had just come

5 back from an extensive trip in the United

6 States?

7 A. Mr. Wilson, I did not.

8 Q. Did you - had you taken an
9 extensive trip through the States in about
10 August of 1954?

11 A. I do not recall, sir. But
12 as far as that, I would like to say, Mr.
13 Wood said I stopped in at his place when
14 I was on my way to take over the motel.

15 That is how I read it in the paper --

16 Q. Never mind what the paper said.

17 You just tell us what the facts were.

18 Had you just been on a trip?

19 A. I do not recall.

20 Q. You do not recall?

21 A. I tell you I didn't - 1954,
22 did you say?

23 Q. When did you buy your 1955
24 Buick?

25 A. In 1955.

26 Q. Not until 1955?

27 A. No, sir.

28 Q. In what part of the year did
29 you buy your 1955 Pontiac? (sic)

30 A. I didn't have a 1955 Pontiac.



1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

...and so on.

and I shall be glad to see you.



1 Q. You have just said that you
2 did, in 1955.

3 THE COMMISSIONER: You said Buick.

4 MR. WILSON: Oh, did I say Pontiac -
5 I guess I am getting tired, but they are
6 all in the General Motors family?

7 A. Yes.

8 Q. When did you buy your Buick,
9 what part of the year?

10 A. I do not know, sir. I do not
11 know when I bought it - it was in 1955 -
12 I think it would be in May or June.

13 Q. And how much did you pay for
14 that?

15 A. Thirty-eight-something -
16 \$3,800 and something.

17 Q. \$3,800?

18 A. That is right, sir.

19 Q. And you certainly did not
20 make that out of what you drew out of
21 the motel operation up until that time?

22 A. Mr. Wilson, I do not know
23 exactly where the money came from, but I
24 can tell you it came from no illegal activity,
25 I can tell you that.

26 Q. It came from some money you
27 had somewhere?

28 A. That is right, sir.

29 Q. In the ground or ---

30 A. A transaction, a real estate



1 transaction - whatever it would be.

2 Q. And did your wife also have
3 a car?

4 A. Yes, she had a 1956 Dodge.

5 Q. When did she first buy a car?

6 A. In 1956.

7 Q. And did you buy it for her?

8 A. Yes.

9 how

Q. And how much was it?

c/2 10 A. I think it was \$3,200 - I
11 thought I told you - Mr. Wilson, can I speak
12 on that for just a moment?

13 THE COMMISSIONER: You can say
14 anything you like.

15 A. In regards to what Mr. Wood
16 suggested, that I told Wood about being on
17 an extensive trip. I think he said it
18 was in August of 1954. When I went to the
19 motel, I did not come back home, I just
20 stayed there for six months and I never
21 left it - I shouldn't say I never left it,
22 I might have gone into Kingston, but I had
23 no trip, no holidays. We worked until
24 the fall of that year. That was the first
25 time that I took off to come home. We
26 worked, I worked all that winter. There
27 was a lot of work to do to improve the
28 motel. I did not take any trips.

29 MR. WILSON: Q. Well, that has
30 taken a lot of talk to explain it. In 1954



1 you had a Pontiac?

2 A. 1954, yes.

3 Q. And in 1956 you bought a new
4 Buick?

5 A. No, 1955.

6 Q. 1955?

7 A. Right, sir.

8 Q. And in 1956, your wife got a
9 new Dodge?

10 A. Right, sir.

11 Q. We will probably want you to
12 come back so that we can go into some of
13 these other matters.

14 Mr.

15
16
17
18 EXAMINED BY MR. MacKINNON:

19
20 Q. Just a few questions. You
21 forgot to tell us about the Buick yesterday
22 when I was cross-examining you, didn't you?
23 You stated, and I am reading from page
24 8977, you told me about the 1952, and then
25 my question at the bottom of the page:

26 "Q. Then, when did you buy
27 "your next car?

28 "A. '56, sir.

29 "Q. What kind of car did you
30 "buy then?

1891, 1892, 1893

1900



1 "A. A Dodge."

2 You had forgotten completely about
3 the Buick?

4 A. Honest, I did.

5 Q. And how many other cars did
6 you forget about?

7 A. You didn't ask about other
8 cars.

9 THE COMMISSIONER: You are being asked
10 now.

11 A. I will tell you.

12 MR. MacKINNON: Q. Well ---

13 THE COMMISSIONER: He is going to tell
14 you.

15 A. 1958, 1959 and 1960.

16 MR. MacKINNON: Q. You bought a new
17 car each time?

18 A. Yes.

19 Q. And between 1944 and 1950 you
20 did not?

21 A. No, sir.

22 Q. 1950 was your first new car?

23 A. Yes, I bought it at Hogan's.

24 Q. And 1952 was the next one,
25 you did not get a car in 1951?

26 A. No, sir.

27 Q. And you did not buy a car again
28 until 1954?

29 A. 1953.

30 Q. Not ---



| | |
|--|----|
| Q. Now, you say that the first time you saw him was in 1934? | 1 |
| A. Yes. | 2 |
| Q. And you saw him again in 1935? | 3 |
| A. Yes. | 4 |
| Q. Now, you say that you saw him in 1934 and 1935? | 5 |
| A. Yes. | 6 |
| Q. Now, you say that you saw him in 1934 and 1935? | 7 |
| A. Yes. | 8 |
| Q. Now, you say that you saw him in 1934 and 1935? | 9 |
| A. Yes. | 10 |
| Q. Now, you say that you saw him in 1934 and 1935? | 11 |
| A. Yes. | 12 |
| Q. Now, you say that you saw him in 1934 and 1935? | 13 |
| A. Yes. | 14 |
| Q. Now, you say that you saw him in 1934 and 1935? | 15 |
| A. Yes. | 16 |
| Q. Now, you say that you saw him in 1934 and 1935? | 17 |
| A. Yes. | 18 |
| Q. Now, you say that you saw him in 1934 and 1935? | 19 |
| A. Yes. | 20 |
| Q. Now, you say that you saw him in 1934 and 1935? | 21 |
| A. Yes. | 22 |
| Q. Now, you say that you saw him in 1934 and 1935? | 23 |
| A. Yes. | 24 |
| Q. Now, you say that you saw him in 1934 and 1935? | 25 |
| A. Yes. | 26 |
| Q. Now, you say that you saw him in 1934 and 1935? | 27 |
| A. Yes. | 28 |
| Q. Now, you say that you saw him in 1934 and 1935? | 29 |
| A. Yes. | 30 |
| Q. Now, you say that you saw him in 1934 and 1935? | 31 |
| A. Yes. | 32 |
| Q. Now, you say that you saw him in 1934 and 1935? | 33 |
| A. Yes. | 34 |
| Q. Now, you say that you saw him in 1934 and 1935? | 35 |
| A. Yes. | 36 |
| Q. Now, you say that you saw him in 1934 and 1935? | 37 |
| A. Yes. | 38 |
| Q. Now, you say that you saw him in 1934 and 1935? | 39 |
| A. Yes. | 40 |
| Q. Now, you say that you saw him in 1934 and 1935? | 41 |
| A. Yes. | 42 |
| Q. Now, you say that you saw him in 1934 and 1935? | 43 |
| A. Yes. | 44 |
| Q. Now, you say that you saw him in 1934 and 1935? | 45 |
| A. Yes. | 46 |
| Q. Now, you say that you saw him in 1934 and 1935? | 47 |
| A. Yes. | 48 |
| Q. Now, you say that you saw him in 1934 and 1935? | 49 |
| A. Yes. | 50 |



1 A. Just a minute.

2 Q. You said 1955, you are changing
3 it?

4 A. No, 1955.

5 Q. Between 1952 and 1955 you did
6 not have a new car?

7 A. No, I did not, sir.

8 Q. You bought another one in 1956?

9 A. Yes.

10 Q. And you said your wife quit
11 work in 1953?

12 A. Yes.

13 Q. You did not tell us that she
14 was on a European trip in 1953.

15 A. Yes, I did.

16 THE COMMISSIONER: No, you did not.

17 MR. MacKINNON: Q. You did not.

18 A. The first day, I did.

19 THE COMMISSIONER: No.

20 MR. MacKINNON: Q. I am afraid I do
21 not recollect that.

22 THE COMMISSIONER: No, I do not have
23 any recollection of that.

24 THE WITNESS: I recall saying that
25 my wife worked until she went overseas.

26 MR. MacKINNON: Q. That is the
27 first mention I have heard. Where did she
28 go to?

29 A. To Belgium.

30 Q. And how long was she there for?

[Faint, illegible handwritten notes]

6. You said I was "not one character."

511

1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 26

[illegible]

172 12 2 178 51600

1998

...and the ...

...and

1901

1957 2000 2000 2000 2000 2000



1 A. May until September.

2 Q. And did she take your family?

3 A. Yes.

4 Q. May until September?

5 A. Yes.

6 Q. That was after you were advised
7 that you were going to be transferred out
8 of the branch - oh, no, of course, this is
9 before, before. This is 1953?

10 A. Yes.

11 Q. And how much did that cost?

12 A. \$700.

13 Q. That is the flat rate - did
14 she go by sea?

15 A. Yes. That is not the rate on
16 the ship. Approximately \$700 she spent.

17 THE COMMISSIONER: Q. Approximately
18 \$700?

19 A. Yes.

20 Q. For a trip overseas?

21 A. She was with my sister-in-law,
22 she stayed at her home when she stayed there.

23 Q. This is May to September?

24 A. Yes, sir.

25 MR. MacKINNON: Q. And your son was
26 nine at the time?

27 A. Yes.

28 Q. According to the birth date
29 that you have given us?

30 A. Yes.

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100



1 Q. And you say you believe it
2 cost \$700?

3 A. \$700, \$750, something like
4 that, sir.

5 THE COMMISSIONER: Q. Where in
6 Belgium?

7 A. Brussels, sir. She stayed
8 in my sister-in-law's home.

9 Q. You have a sister-in-law
10 who lived in Belgium at the time?

11 A. Yes.

12 MR. MACKINNON: Q. Did she spend
13 all of the time, did they spend all of their
14 time in Belgium?

15 A. No.

16 Q. They travelled around Europe?

17 A. Not around Europe, but they
18 travelled around.

19 Q. Did they go to England?

20 A. No, sir.

21 Q. Did they go to France?

22 A. Yes.

23 Q. Did they go to Switzerland?

24 A. I think they went to France
25 on the way there, I think first.

26 Q. Did they go to Italy?

27 A. No.

28 Q. Or Austria?

29 A. I don't think so.

30 Q. I take it that the money came out



1 of your wife's savings?

2 A. Out of our savings.

3 Q. Incidentally, did you show
4 your wife as a dependent on your income
5 tax return?

6 A. When is that for, sir?

7 Q. When you were employed by
8 the Ontario Provincial Police?

9 A. I do not know whether I showed
10 her as a dependent. I do not know what
11 you mean. Whatever way I filed my income
12 tax, that is the way I filed it. I took
13 the papers down to the Income Tax Department,
14 and I sat down there with the people there,
15 and they figured it out for me, and I paid
16 it.

17 Q. Why go to all that trouble?
18 Most people do not usually go down to the
19 Department.

20 A. Well, there is quite a line-up
21 if you don't go down ---

22 Q. Did they ask you to go down?

23 A. No, I went down every year.
24 I went into the office, and paid my income
25 tax.

26 Q. That is deducted, you told us
27 yesterday that it was deducted?

28 A. Well, as I say, I had to pay
29 more because my wife was working. Now,
30 listen - I had to pay more for her.

1940 20 300 .4



1 Q. Then you must have shown her
2 as a dependant, then. She did not file
3 a separate return?

4 A. I don't know what that is
5 about. I paid, I paid the income tax.

6 Q. Well, we will find out, we
7 will be finding out.

8 A. I paid them.

9 Q. The income tax people are now
10 investigating your earnings?

11 A. That is right, sir. I
12 told this to the income tax people.

13 Q. And didn't you own property
14 on Pelstead Avenue?

15 A. No, sir.

16 Q. You never did own that?

17 A. That is the first place I bought.

18 Q. Before Pape Avenue?

19 A. Yes.

20 Q. When was that bought, 1946,
21 was it?

22 A. I think 1946 was Pape.

23 THE COMMISSIONER: ~~He~~ He told
24 us about that.

25 MR. MACKINNON: Maybe he did, but
26 it did not sound familiar to me.

27 THE WITNESS: I couldn't think of the
28 name of the street.

29 MR. MACKINNON: Q. That is it?

30 A. Yes.



Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know what that is. I don't know who that person was.

Q. Well, you will find out, you will be finding out.

Q. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.

Q. Now you say that the person who was with you at the time of the shooting was a friend of yours?

A. I don't know who that person was. I don't know who that person was. I don't know who that person was.



1 Q. There was some peculiar name -
2 Frazzell - I think.

3 THE COMMISSIONER: He thought of it
4 afterwards.

5 MR. MACKINNON: Q. That is the first
6 and piece of property you bought?

7 A. Yes.

8 Q. You did not know what it was
9 and you know now that it was Felstead?

10 THE COMMISSIONER: You thought Frazzell.

11 MR. MACKINNON: That is what threw
12 me off.

13 MR. ROSE: No questions. Thank you.

14 MR. WILSON: Just a minute. Just a
15 minute. Didn't you tell Sergeant Anderson
16 that your wife was working to save enough
17 money to make this trip?

18 A. I do not recall that, sir.

19 Q. If he said that you did, do
20 you say it is not right?

21 A. No, I would not say - if Mr.
22 Anderson said that, then I said it.

23 Q. If she was working to save
24 money to take this trip, she couldn't be
25 supporting you and herself, could she?

26 A. Well, certainly - the money
27 was paid, she didn't bum her way over there.
28 It was from what she earned or I earned,
29 an accumulation, whatever way you want to put
30 it.

THIS LEAF IS NOT FOR SALE

[illegible]

of 31st March 1968 and 1969 after some 42 years.

[Faint bleed-through from the reverse side of the page]



1 Q. That is all.

2 That is all the witnesses I have
3 for today, sir.

4 MR. MACKINNON: I wonder, sir,
5 what the effect is - this 249-D from Eric
6 Scott, the letter dated July 7th, to the
7 Premier. My understanding is that there
8 was no reply to that letter. I take
9 it ---

10 MR. WILSON: My friend introduced
11 something. I do not know anything about
12 it.

13 MR. MACKINNON: My information is
14 there wasn't, and that is why he went to
15 Mr. Wintermeyer. I have not seen any.

16 THE COMMISSIONER: Is that all the
17 evidence for today?

18 MR. WILSON: That is all the evidence
19 for today, sir.

20 THE COMMISSIONER: Yes. Then, we
21 will adjourn sine die. We will adjourn
22 sine die and we will probably resume on or
23 about the middle of August.

24 MR. MACKINNON: I am sorry, sir.

25 THE COMMISSIONER: We will adjourn
26 sine die, and I said we will resume at
27 a date I will later fix, but not earlier
28 than the middle of August.

29 ---Whereupon the hearing adjourned sine die.
30



That is all the witness I have

for today, sir.

What the witness is - that is, I have this
book, the book which I have, to the
witness. By understanding in that sense
now so early to that fact, I have

1st. I have no other information
concerning it. I do not know anything about

2nd. I have no information in
the matter of the book which I have in
my possession. I have not seen it.

3rd. I have no information in the matter
of the book, sir.

4th. I have no information in the matter
of the book, sir. I have no information in the
matter of the book, sir.

5th. I have no information in the matter
of the book, sir. I have no information in the
matter of the book, sir.

6th. I have no information in the matter
of the book, sir.



A/FTP/1

MONDAY, AUGUST 20, 1962

---On resuming at 10.05 a.m.:

MR. WILSON: I will call Mr. Feeley.

MR. BREWIN: Mr. Commissioner, I wonder if, before the next witness is called, I might speak to a matter. I did write to you, sir, about it.

THE COMMISSIONER: I have just finished heading your letter.

MR. BREWIN: You probably have not had time to go into it, but I do think it important that there be given by Commission counsel some outline of the proposed course of the Commission, who are likely to be witnesses.

It seems to me that the last point of inquiry that you had been asked to make is as to the extent of crime in Ontario and the sufficiency of the law enforcement agencies to deal with it. I wondered if there was to be some definition of that. It seems so extremely broad that I was wondering if there were some indication of what aspects of the extent of crime and the sufficiency of the law enforcement agencies to deal with it, the extent of inquiry that was anticipated under that head, because it is directed to something that could keep you busy for the rest of time, I would think.





1 THE COMMISSIONER: Almost until Gabriel
2 blows his trumpet.

3 MR. BREWIN: Precisely. I was wondering
4 if there was some thought of dealing with some
5 particular aspect of the matter, and if we
6 could be given some insight into that.

7 THE COMMISSIONER: I will arrange a
8 meeting with all counsel, perhaps to-morrow.

9 MR. BREWIN: Thank you very much, sir.

10 MR. ROSE: One other matter, Mr.
11 Commissioner, before Mr. Feeley is called.
12 As you are aware, I am counsel for Vincent B.
13 Feeley and was, of course, instructed by
14 Mr. Feeley that he would be the next witness.

15 Having regard to certain information
16 which has come to the attention of Mr. Feeley,
17 and having regard to the specific instructions
18 which he has given, I now call into question,
19 sir, your jurisdiction to sit as Commissioner
20 in these proceedings, due to the fact that
21 having regard to the power vested in you
22 under The Public Inquiries Act, and due to
23 the judgment of the Ontario Court of Appeal
24 in respect to the motion which was argued
25 on 7th May of this year, that it is alleged
26 by Feeley that contrary to both the Statute
27 and the judgment, you have been holding secret
28 hearings in respect of the two witnesses who
29 have given evidence secretly concerning not
30 only Vincent B. Feeley but also Joseph



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[illegible]

... ..



1 **McDermott.**

2 This application, as I have mentioned,
3 is being made on behalf of Feeley under
4 specific instructions.

5 Now, in the event that it should be a
6 fact that secret hearings of this Commission
7 have been held without notification to either
8 Feeley or to his counsel and without right
9 of counsel to be there, as set forth by the
10 Ontario Court of Appeal, it would be
11 submitted that this is an excess of
12 jurisdiction in a procedural matter which
13 would lead to a loss of jurisdiction.

14 I have an affidavit of Vincent B. Feeley
15 sworn to this morning. The contents of that
16 affidavit, sir, are as follows ---

17 **THE COMMISSIONER:** Have you got a copy?

18 **MR. ROSE:** Yes.

19 **MR. WILSON:** Have you got a copy for me
20 too?

21 **THE COMMISSIONER:** Read it.

22 **six**

23 **MR. ROSE:** The first paragraphs, sir, are
24 formal matters dealing with the appointment of
25 you as Commissioner, certain proceedings that
26 took place in front of this Commission,
27 dealing with the fact that Feeley was sub-
28 poenaed on 12th March; that public hearings
29 commenced on 20th March, and on 29th March
30 he retained myself as his counsel.

Paragraph No. 6:





1
2 "By a written judgment of the
3 "Ontario Court of Appeal, it was ordered
4 "that my counsel be allowed to have
5 "status in this inquiry on my behalf
6 "as asked by me, and the said Ontario
7 "Court of Appeal stated:

8 " 'It is only fair and just that
9 "they should be afforded an
10 "opportunity to call evidence,
11 "to elicit facts by examination
12 "and cross-examination of
13 "witnesses and thus be enabled
14 "to place before the Commission
15 "of Inquiry a complete picture
16 "rather than incur the risk of
17 "its obtaining only a partial
18 "or distorted one. This is a
19 "right to which in my view they
20 "are fairly and reasonably
21 "entitled and it should not be
22 "denied them. Moreover, it is
23 "no less important in the public
24 "interest that the whole truth
25 "rather than half truths or
26 "partial truths should be
27 "revealed to the Commissioner.

28 "Any suggestion that the
29 "examination and cross-examination
30 "of witnesses by counsel for the



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1 "Commission and more particularly
2 "by counsel for the two political
3 "parties, is adequate to elicit
4 "all relevant facts concerning
5 "the applicants, against whom
6 "so much incriminating evidence
7 "is being accumulated and widely
8 "circulated, fails to carry
9 "conviction."

10 "7. Pursuant to the Order of the said
11 "Court of Appeal my counsel appeared
12 "throughout each and every day of the
13 "hearings before the Commissioner and
14 "exercised his right to cross-examine
15 "those witnesses he thought it was
16 "necessary to cross-examine.

17 "8. On the 7th day of June, 1962,
18 "upon the application of my counsel,
19 "the Commissioner stated a case to the
20 "Ontario Court of Appeal which on the
21 "11th day of June, 1962, answered in
22 "the negative the questions therein
23 "contained, and on the same day a
24 "motion was filed for leave to appeal
25 "to the Supreme Court of Canada from
26 "the aforesaid Order, which said
27 "motion came on for hearing before
28 "the Supreme Court of Canada on the
29 "22nd day of June, 1962, and pending
30 "the decision of the Supreme Court



"The first thing I noticed when I stepped out of the car was the heat. It was a relief after the cool air of the car. I looked up at the sun, which was shining brightly. The sky was a clear blue, and the clouds were white. I felt a sense of freedom and adventure. I was alone in the world, and I was enjoying every moment of it. I walked towards the beach, feeling the sand under my feet. The waves were crashing against the shore, and the sound was so soothing. I closed my eyes and let the sun warm my face. I was in the best place in the world. I was free. I was happy. I was alive."

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1 "of Canada the Commissioner publicly
2 "adjourned the hearings.

3 "9. My counsel left for Ottawa,
4 "Ontario, to prepare his argument on
5 "the said motion on the 20th day of
6 "June, 1962.

7 "10. I am informed by one Ralph
8 "Clarke that on the night of 20th
9 "June, 1962, he was served by members
10 "of the Ontario Provincial Police
11 "with a subpoena under The Public
12 "Inquiries Act and he was directed
13 "to appear before the Commissioner
14 "to give evidence on the morning of
15 "21st June, 1962, in the absence of
16 "my counsel. He appeared before
17 "the Commissioner herein in a small
18 "room being part of the Commission
19 "offices on the ninth floor of
20 "801 Bay Street in the City of
21 "Toronto, and was told that the
22 "hearings were now recommencing and
23 "was sworn in as a witness by the
24 "Commissioner and required to submit
25 "to examination and cross-examination.
26 "I am informed and do verily believe
27 "that the only persons present were
28 "the Commissioner, the Commission
29 "counsel, Roland F. Wilson, Q.C., a
30 "female shorthand reporter and



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2 "Sergeant John Anderson, a member of the
3 "Anti-Gambling Squad of the Ontario
4 "Provincial Police. This hearing was
5 "held secretly without notice to either
6 "myself or my counsel, contrary to the
7 "powers vested in the Commissioner
8 "under The Public Inquiries Act
9 "aforesaid and also not only contrary
10 "to the specific Order of the Court
11 "of Appeal but also contrary to the
12 "spirit and intent of the said Order.
13 "I am informed by the said Ralph Clarke
14 "that he was not the only person who
15 "was brought before a secret session
16 "of this Commission by the Commissioner
17 "in contravention of his powers and of
18 "the Order of the Ontario Court of
19 "Appeal. I am further informed and
20 "verily believe that evidence obtained
21 "in this manner is contrary to my
22 "interests and imputes to me the
23 "commission of a criminal offence or
24 "offences.
25 "11. I verily believe that the
26 "procedure adopted by the Commissioner
27 "was adopted in order to circumvent
28 "the Order of the Ontario Court of
29 "Appeal and to deprive me of my
30 "right of cross-examination as ordered



1. The first of these is the fact that the

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26. twenty-sixth is the fact that the

27. twenty-seventh is the fact that the

28. twenty-eighth is the fact that the



1 "by the said Court and that in so doing
2 "the Commissioner has lost jurisdiction
3 "in this hearing.
4 "12. By reason of the aforementioned
5 "conduct on the part of the Commissioner
6 "I am perfectly satisfied that the
7 "Commissioner has prematurely adjudged
8 "me guilty of the allegations made
9 "against me and has closed his mind to
10 "any evidence tending to contradict such
11 "a conclusion and is in fact completely
12 "and unalterably biased against me.
13 "There could be no clearer evidence
14 "of his bias than the calculated
15 "disregard for my rights in the
16 "holding of secret hearings, the
17 "effect of which was to extract
18 "further evidence damaging to me.
19 "13. The fact that the Commissioner,
20 "also a Justice in Appeal, would
21 "pursue a course of conduct the
22 "effect of which was to secretly
23 "circumvent the Order of the Court
24 "of Appeal, convinces me that he is
25 "prepared to go to any length to
26 "resist any legal control whatsoever
27 "in exercising his functions as a
28 "Commissioner.

29 "(Signed) Vincent B. Feeley,

30 "Sworn on the 20th day of August, 1962".



"The first thing I did was to go to the

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1 In the event, sir, that the allegations
2 contained in the affidavit of Feeley, and they
3 appear on the surface his allegations, are
4 correct, if that is true, and I say those
5 words and I point out to the Commissioner
6 that this is not my affidavit and I have no
7 knowledge of it and I acted under instructions
8 as all counsel do -- but if the allegations
9 contained in the affidavit of Feeley are
10 correct, then it would seem in my respectful
11 submission that you, sir, may very well have
12 lost jurisdiction in this matter: because
13 the direct Order of the Court of Appeal was to
14 the effect that Feeley's counsel was to be
15 present. There is a difference between
16 bringing a person in and asking them to give
17 a statement or even taking a statement from
18 them in affidavit form, and taking a person
19 in under the power of a subpoena at a time
20 when the Commission has been adjourned, and
21 putting him under oath and examining him.
22 That, of course, would be the difference of
23 the matter.

24 If that is the case, as alleged by
25 Feeley in his affidavit, then I must follow
26 his instructions and submit to you, sir, that
27 there has been loss of jurisdiction in this
28 matter.

29 Now, all I can say is, there is the
30 affidavit before you, sir. If the facts are

[illegible]



1 correct I ask you to disqualify yourself; if they
2 are not correct, then I certainly think that the
3 matter should be looked into and whatever
4 should be done to show that they are not
5 correct be done now.

6 THE COMMISSIONER: You hear truths and
7 half truths, Mr. Rose. No one will appreciate
8 more than you the necessity of some
9 preliminary investigation before witnesses
10 are called formally before me as Commissioner
11 in open hearing.

12 I did interview Mr. Clarke. I had
13 interviewed others. Mr. Clarke will be
14 called as a witness here, and those whom I
15 interviewed will also be called as witnesses
16 here.

17 There has been no intention on my part,
18 as Mr. Feeley had the temerity to suggest,
19 of circumventing the Order of the Court of
20 Appeal.

21 The inquiry that was made in what he
22 describes as the little room in this suite
23 of offices, is in my office. I had witnesses
24 in for the purpose of determining to what
25 extent their evidence would be relevant.
26 What they there said to me will not be used,
27 but they will be called and you as counsel
28 for Mr. Feeley and Mr. McDermott and any
29 others whom you represent, will have the full
30 opportunity to cross-examine them.



I have been thinking of you very much lately, and
 wondering how you are getting on. I hope you are
 well and happy. I have been very busy lately,
 but I have managed to find some time to write
 to you. I have been thinking of you very much
 lately, and wondering how you are getting on. I
 hope you are well and happy. I have been very
 busy lately, but I have managed to find some
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 have been thinking of you very much lately, and
 wondering how you are getting on. I hope you are
 well and happy. I have been very busy lately, but
 I have managed to find some time to write to you.



1 Now, does that answer your inquiry?

2 MR. ROSE: To the extent, sir, that I can
3 understand that in every Commission, the same
4 as in every lawsuit or criminal trial,
5 preliminary investigations are made not only
6 by Crown counsel but by counsel for the
7 accused. It is their duty so to do, to
8 interview anybody who can shed some light on
9 the matter.

10 However, I do not know from what you
11 have said, sir, whether these were interviews
12 that were made or whether the facts are as
13 alleged in the affidavit, that Clarke was
14 brought in under a subpoena, ordered to
15 appear, by the Provincial Police, did appear
16 and at that time was then sworn in with a
17 Bible and asked if he would tell the truth,
18 the whole truth and nothing but the truth.

19 THE COMMISSIONER: That is right.

20 MR. ROSE: Then if that is right, sir,
21 I take the position that it is an excess of
22 jurisdiction, because of what value would
23 that person's evidence be at any time in the
24 future if even he were brought up in the
25 witness stand, because he has gone through
26 a situation where at night he has been
27 subpoenaed, he has been brought here. He
28 evidently -- I don't know -- I presume he
29 had no counsel. He was brought here, taken
30 in front of you, sir, in the presence of the



THE UNITED STATES OF AMERICA

IN SENATE, JANUARY 1, 1901.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

FOR THE YEAR 1900.

WASHINGTON: GOVERNMENT PRINTING OFFICE, 1901.

THE COMMISSIONER OF THE GENERAL LAND OFFICE

REPORTS TO THE SENATE AND HOUSE OF REPRESENTATIVES

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ON THE LANDS BELONGING TO THE UNITED STATES

IN 1900.



1 head of the Anti-Gambling Squad and Commission
2 counsel, had a Bible thrust into his hand and
3 told ---

4 THE COMMISSIONER: Well, now, you don't
5 need to gild the lily. It was not "thrust"
6 into his hand.

7 MR. ROSE: All right, had a Bible put
8 into his hand.

9 THE COMMISSIONER: And it was not put
10 into his hand.

11 MR. ROSE: Maybe, Mr. Commissioner, he
12 picked it up when he was told to, I don't
13 know. In any event, here was a man who was
14 taken in and sworn under The Public Inquiries
15 Act to give evidence at a time when the
16 hearings of this Commission were adjourned.

17 Now, if that, sir, is the case -- and
18 I don't personally place any sinister emphasis
19 on it whatsoever -- I think the two results
20 do follow from it, that, No. 1, this marks
21 evidence was taken down in shorthand and
22 undoubtedly a transcript prepared. I don't
23 know -- undoubtedly. Of what use would it
24 be to have that man back on this witness
25 stand at any time, allow myself or Mr.
26 MacKinnon or Mr. Brewin or anybody to cross-
27 examine him, because the slightest deviation
28 from this one-sided evidence that was given
29 with only the Commission counsel present
30 would result undoubtedly in a charge of perjury



The first of these is the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.
 This is due to a number of factors,
 including the fact that the government
 has been unable to raise the necessary
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against him.

Now, secondly, I would submit that there is a very close analogy in law as to this particular situation if you, sir, may recall the case of Mehr v. The Law Society of Upper Canada, a matter which went to the Supreme Court of Canada. In that particular case Mehr, a solicitor in the City of Toronto, brought before the Discipline Committee of the Law Society ---

(Page 9136 follows)





1 THE COMMISSIONER: I am quite familiar
2 with the case, Mr. Rose.

3 MR. ROSE: At which time they, under
4 their powers, are required to inquire into and
5 report upon certain allegations.

6 THE COMMISSIONER: That is right.

7 MR. ROSE: And almost the same function
8 as you exercised under the Commission that
9 has appointed you, the Commission by which
10 you have been appointed. As the result of
11 the inquiry and report, and having consideration
12 to the fact that a piece of evidence was
13 brought before them of a vital nature which
14 contradicted evidence given viva voce by
15 Mehr in front of the discipline committee,
16 despite the fact that the discipline committee
17 said that they were washing that from their
18 minds and paying no attention to it, the
19 Supreme Court of Canada quashed the proceedings
20 and quoted with approval in the Supreme Court
21 of Canada the Szilard case where Mr. Justice
22 Rand had this to say, which I think applies
23 in this particular instance:

24 "But the Arbitrator swears

25 "it (hearing further persons)

26 "had no effect upon his award.

27 "I believe him. He is a most

28 "respectable man. But I cannot

29 "from respect for any man do that

30 "which I cannot reconcile to



THE COURT: I am now going to

ask you a few questions.

Q. Now, what time did you

leave the house on the morning of

the 1st of January, 1900?

A. I left the house at about

10 o'clock on the morning of

the 1st of January, 1900.

Q. And you went to the

place where you were employed?

A. Yes, I went to the

place where I was employed.

Q. And you were there

until about 12 o'clock?

A. Yes, I was there until

about 12 o'clock on the

1st of January, 1900.

Q. And you were there

until about 12 o'clock?

A. Yes, I was there until

about 12 o'clock on the

1st of January, 1900.

Q. And you were there

until about 12 o'clock?

A. Yes, I was there until

about 12 o'clock on the

1st of January, 1900.

Q. And you were there

until about 12 o'clock?

A. Yes, I was there until



1 "general principles. A judge
2 "may not take upon himself to
3 "say whether evidence improperly
4 "admitted had or had not an
5 "effect upon his mind. The
6 "award may have done perfect
7 "justice, but upon general
8 "principles it cannot be supported."

9 And the proceedings were quashed.

10 Now, I submit to you, sir, that holding
11 a hearing, and I do submit that this was a
12 hearing in the true sense of the word, without
13 opportunity for any person affected to be
14 represented by counsel, as ordered by the
15 Court of Appeal, that this is an excess of
16 jurisdiction.

17 In addition, under Section 2 of the
18 Public Inquiries Act, you, sir, have the
19 same right to summon witnesses to give
20 evidence, to compel their attendance, and
21 to compel them to give evidence, as a judge
22 in a civil case. The Commission by which
23 you were appointed outlines that you have
24 that right. Section 2 of the Public Inquiries
25 Act defines your power in explicit words.

26 Now, if in any civil case any judge
27 during the course of the proceedings in the
28 absence of counsel for either the plaintiff
29 or the defendant, took it upon himself to hold
30 a hearing in his chambers of a person who may



⁶⁹ S. J. Liebowitz et al., "The Effect of Marijuana Taxation on Consumption," *Journal of Public Economics*, vol. 70, no. 3, pp. 381-396, 1998.

1900

6. 结论与讨论



1 or may not - may or may not - cast some light
2 upon the issue before the court, I think
3 without quoting any authority the principle
4 is so well established that the proceeding
5 of necessity on general principles must be
6 quashed.

7 I take the position, not that you
8 have affirmed that he was sworn and did give
9 evidence, I take the position that this is
10 exactly the same thing.

11 THE COMMISSIONER: He was sworn and
12 he made a statement, and I have already told
13 you that he will be called. Just a moment,
14 Mr. Rose. Everyone whom I interviewed,
15 whether under oath or otherwise, and whom I
16 thought had evidence that was relevant to
17 the terms of reference, will be called, and
18 they will be examined by Commission counsel.
19 You will have the opportunity to cross-
20 examine them if you so desire within the
21 limits of your rights here, and by that I
22 mean if they should here make statements
23 or give evidence affecting your clients you
24 will have the opportunity of cross-examining
25 them.

26 The interviews that I had, some under
27 oath, some not under oath, were for the purpose
28 of determining to what extent they could
29 contribute anything by way of evidence here.
30 It was a preliminary investigation. It was

17. $\frac{1}{2} \times 1000 = 500$ feet in 1000 = 1000 feet in 1000



1 never intended that I would use their evidence
2 beyond the point of determining to what
3 extent it was relevant, and they will be
4 called. That is my answer to your submission.

5 MR. ROSE: Do I take it, sir, that
6 every person who gave evidence under oath,
7 whether or not you consider their evidence
8 relevant, will be called?

9 THE COMMISSIONER: I think that is
10 right, trusting to my present assessment of
11 the statements given to me, as you put it,
12 "secretly".

13 MR. ROSE: No, it is Mr. Feeley's
14 "secretly".

15 THE COMMISSIONER: Well, as you re-
16 echo what Mr. Feeley stated.

17 MR. ROSE: That is all counsel can
18 do, sir.

19 THE COMMISSIONER: Yes, of course.

20 MR. ROSE: Under those circumstances,
21 sir, I think it is a matter of such a serious
22 nature that I would ask you to state a case
23 to the Ontario Court of Appeal as to whether
24 or not you have lost your jurisdiction. This
25 is pursuant to Section 5 of The Public
26 Inquiries Act.

27 THE COMMISSIONER: What case do
28 you desire me to state?

29 MR. ROSE: I would ask you to ask
30 the Court of Appeal as to whether or not you



Handwritten text: *Handwritten text, possibly a signature or date, mostly illegible.*

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lost
1 have jurisdiction as Commissioner in these
2 hearings by reason of the fact that you have
3 held secret hearings in the absence of and
4 without notification to counsel for Vincent
5 B. Feeley.

6 THE COMMISSIONER: Let us get the
7 facts first. I did not hold secret hearings.
8 I have been repeating that to you.

9 MR. ROSE: Well, I presume, sir,
10 if it is a question of splitting hairs over
11 the words ---

12 THE COMMISSIONER: I am not splitting
13 hairs.

14 MR. ROSE: No, no, if it is a
15 question of determining what is the question,
16 the question that I asked that you put to the
17 Court of Appeal is this:

18 "Have I as Commissioner lost

19 "jurisdiction in these hearings

20 "by reason of the fact that I

21 "have held secret hearings in

22 "the absence --- "

23 THE COMMISSIONER: Let me stop you
24 at once.

25 MR. ROSE: This is the question I
26 am asking you to put to the Court of Appeal.
27 If you don't wish to, I would just like to
28 finish the question I am asking to be put.

29 "-- by reason of the fact that

30 "I have held secret hearings in



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1 "the absence of and without

2 "notification of counsel for

3 "Vincent B. Feeley."

4 That, sir, is the question I ask you
5 to put to the Ontario Court of Appeal pursuant
6 to Section 5 of The Public Inquiries Act.

7 THE COMMISSIONER: And without
8 hesitation I refuse, because there were no
9 secret hearings.

10 MR. ROSE: Are you prepared, sir,
11 to put the question to the Ontario Court of
12 Appeal without the word "secret"?

13 THE COMMISSIONER: You tell me the
14 case you want me to put to the Court of Appeal,
15 and I will tell you whether I will or will
16 not.

17 MR. ROSE: I have told you, sir.

18 THE COMMISSIONER: Then I refuse.

19 MR. BREWIN: I think in fairness
20 one thing should be pointed out, and that is
21 that counsel were aware that you were examining
22 witnesses, and I have every reason to believe
23 that Mr. Rose was equally aware of the fact that
24 you were, and the Commission counsel were
25 examining witnesses in perfectly proper manner
26 to determine whether they should give evidence
27 or not. I would think that it comes
28 strangely from one who is a counsel and
29 presumably aware of this fact, to now make an
30 issue of it. I should think Mr. Feeley should

[illegible]



1 have been advised long ago to raise objection
2 if there was any objection to be raised.

3 THE COMMISSIONER: The objection
4 raised this morning fits into the general
5 pattern.

6 MR. ROSE: Now, I would also take
7 issue with Mr. Brewin. He can speak for
8 himself. He does not have to speak for me.
9 You, sir, not only know I was fully aware but
10 I appeared with Mr. Wright on one occasion
11 and appeared with him in your office with
12 my client Robert Wright.

13 THE COMMISSIONER: That is right.

14 MR. ROSE: And at that time this was
15 no hearing. At that time you asked him if
16 he would answer certain questions in respect
17 to things you wanted to put to him.

18 THE COMMISSIONER: You were acting
19 for him.

20 MR. ROSE: There was no question at
21 this particular time that he was going to ^{be} put
22 under oath or anything of that nature. I
23 was present in your office with Mr. David
24 Humphrey when you asked him certain questions.

25 THE COMMISSIONER: That is right.

26 MR. ROSE: No question of him being
27 put under oath and giving testimony in your
28 office.

29 Now, Mr. Brewin does not know what
30 he is talking about when he tries to say to you



have been with me for the last few years.

It is not a very difficult thing to do.

THE PRESIDENT: The question

is, what is the best way to do it?

THE PRESIDENT:

Mr. President, I am not sure

about this, but I think it is

very important to have the

best of the best in the

country, and I think it is

very important to have the

best of the best in the

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THE PRESIDENT:

Mr. President, I am not sure

about this, but I think it is

very important to have the

best of the best in the

country, and I think it is

very important to have the

best of the best in the

country, and I think it is

THE PRESIDENT:

Mr. President, I am not sure

about this, but I think it is



1 that I was aware that people were being brought
2 into your office and being put under oath
3 and questioned.

4 MR. BREWIN: All I said was if you
5 paid any attention to the proceedings you
6 might be aware of it.

7 THE COMMISSIONER: I may say very
8 frankly, Mr. Rose, I know you were not aware.
9 I did not intend you should be aware, for
10 reasons that are perfectly patent. They
11 were brought in by way of a preliminary
12 inquiry by me, as I was entitled to have them
13 brought in, questioned without your knowledge.
14 They will be brought here, they will be
15 examined under oath, and you can cross-
16 examine, but I want to make it perfectly plain
17 that those inquiries made by me in a preliminary
18 way were not part of the hearings. These
19 witnesses will be here and the evidence they
20 will give will be part of these hearings,
21 and on that evidence I will act.

22 MR. ROSE: What happens if they give
23 different evidence than they gave in front of
24 you, sir?

25 THE COMMISSIONER: That is for them
26 to decide.

27 MR. ROSE: Which evidence are you
28 going to act upon? Both may be sworn. They
29 have been sworn on both occasions.

30 THE COMMISSIONER: That is right.



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1 MR. ROSE: That, I submit, is the
2 danger of doing this.

3 THE COMMISSIONER:, What is the
4 difference between taking an affidavit from
5 a witness beforehand? You have done it
6 many times.

7 MR. ROSE: Many times.

8 THE COMMISSIONER: All right, that is
9 all we did in substance.

10 MR. ROSE: Well, with respect, they
11 got their statement under oath. They were
12 called as a witness in pursuance to the
13 issuance of a subpoena and taken in and
14 put under oath and questioned.

15 THE COMMISSIONER: That is right.

16 MR. ROSE: My understanding is
17 on that basis alone, sir, I say it is improper,
18 it is a serious excess of your powers under
19 The Public Inquiries Act, because the only
20 power, sir, you have under The Public Inquiries
21 Act to put a person under oath and question
22 them is contained in Section 2, and that is
23 the same power as a judge has in a civil
24 case and no other.

25 Now, I can see this. If you take a
26 person in and ask them questions and later
27 reduce it to writing and they are content
28 to either sign it as the type of statement
29 that police officers obtain, or if they are
30 content to say: "In view of the fact that you



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1 have signed it, would you swear to it?", I
2 don't think I could complain too much about
3 that, or not as seriously; but I think there
4 is a great difference between doing that and
5 holding a hearing which in fact is what was
6 done.

7 Of what value is the evidence of
8 those people subsequent? They were not tested
9 by cross-examination at that particular time.
10 Now you have their evidence which I say is
11 one-sided, and certainly who would expect
12 that any person, after that has been reduced
13 to writing and he is under oath and is under
14 the impression that it was a hearing of the
15 Commission, who would for one moment change
16 any of that evidence, because he knows what
17 would happen to him. We have heard the word
18 around here fifty times - perjury.

19 THE COMMISSIONER: You will probably
20 hear more of it, too.

21 MR. ROSE: Maybe. In any event,
22 sir, I still take the position that you have
23 lost jurisdiction, and if you will not state
24 a case to the Court of Appeal ---

25 THE COMMISSIONER: I will not state
26 the case that you ask me.

27 MR. ROSE: Will you state any case
28 to the Court of Appeal?

29 THE COMMISSIONER: You name the case
30 you want me to state, and I will decide whether



Now I want to ask you a question.

Did you see the man who was with the woman?

Yes, I saw him. He was with the woman.

Is there any other person who was with them?

No, I saw only the man and the woman.

Did you see the man who was with the woman?

Yes, I saw him. He was with the woman.

Is there any other person who was with them?

No, I saw only the man and the woman.

Did you see the man who was with the woman?

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Yes, I saw him. He was with the woman.



1 I will or will not.

2 MR. ROSE: I will ask if you will
3 state a case to the Court of Appeal in the
4 same words leaving out the word "secret".

5 THE COMMISSIONER: You have already
6 asked me to state a case that you want me
7 to present to the Court of Appeal. Have
8 you some other one now?

9 MR. ROSE: I will ask you to state
10 the same case to the Court of Appeal, the
11 same question, leaving out the word "secret":

12 "Has the Commissioner lost
13 "jurisdiction by reason of
14 "the fact that he has held
15 "hearings in the absence of
16 "and without notification to
17 "counsel for Vincent B. Feeley?"

18 THE COMMISSIONER: I refuse.

19 MR. ROSE: Very well, sir. May I
20 have a five-minute adjournment?

21 MR. MACKINNON: May I say something,
22 sir, before adjourning. I think in fairness
23 to yourself I can refresh your memory in
24 this connection.

25
26 (Page 9147 follows)
27
28
29
30



1
2 In this connection, you may remember
3 I asked you some weeks ago if you would call
4 some witnesses from Windsor for my information.
5 I thought it would be relevant evidences. You
6 told me you had interviewed those witnesses and
7 found that their evidence was not relevant and
8 would not be helpful to the Commission in any
9 way. I was quite prepared to accept that. I
10 thought that was the proper function for you
11 to exercise.

12 In the event those witnesses had
13 been called or I had forced you or attempted to
14 force you to call the witnesses, it would only
15 have delayed the hearings further.

16 My friend talks about secret
17 hearings. There is nothing in the Act that
18 prohibits you from holding in camera sessions.
19 It is quite appropriate under certain circum-
20 stances under this Act.

21 Another thing I find interesting.
22 Had this gone forward, I think I would like to
23 cross-examine Feeley. I am interested in how
24 Mr. Clarke came to divulge whatever he said to
25 Mr. Feeley, whether it was done under compulsion
26 or otherwise. By compulsion I mean compulsion
27 by Mr. Feeley or his associates.

28 It is also very interesting.
29 despite my friend's lengthy statement, when one
30





reads paragraph 10, nowhere in the paragraph does it state that Mr. Clarke said anything detrimental or otherwise about Mr. Feeley, that, indeed, he mentioned Mr. Feeley. So far as we are aware from this affidavit, Mr. Clarke could have been talking about myself or anybody else.

MR. ROSE: That is not correct.

MR. MACKINNON: I sort of find this a little difficult to follow so far as Mr. Feeley's position is concerned, as to how Mr. Clarke's evidence affects Mr. Feeley, also the question -- my friend quoted from the Mehr case which refers specifically to the use, you will remember, of the word "evidence". As you pointed out, this is not evidence. It cannot be evidence before the Commission and will not be until these people are called, so that the Mehr case is completely irrelevant to the problem which we have here.

MR. WILSON: Mr. Commissioner, the only matter I want to refer to is the fact that when Mr. Anderson was in the box as a witness on June 25th, Mr. MacKinnon was cross-examining the witness in respect to certain entries in his diary for 1961 and the particular reference that I speak of related to Mr. Ralph Clarke and in volume 39, from page 8215 through to page 8217, the matter



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was under discussion and it was made quite clear at that time that the references should not be introduced in evidence in that way as hearsay and that the matter was under investigation and that Mr. Ralph Clarke would be called as a witness at a later stage.

THE COMMISSIONER: Mr. Clarke was before me and was being examined. He was told it was a little investigation, a preliminary investigation. You want a minute or two, Mr. Rose?

MR. ROSE: I would like five minutes please.

THE COMMISSIONER: What time is your watch?

MR. ROSE: 10:27 -- I am sorry, 10:37.

THE COMMISSIONER: All right, five minutes.

-- Whereupon the hearing took a short recess at 10:37 a.m.



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--Upon resuming. 11:15 a.m.

THE COMMISSIONER: I have now been served with a Notice of Motion by Mr. Rose, as counsel for Vincent Feeley, an application being made by him requiring me to state a case. A case which I have refused to state is in the terms following in the Notice of Motion, namely, that the Commissioner has not lost jurisdiction by reason of the fact that he has held secret hearings in the absence of and without notification to counsel for Vincent B. Feeley, and that Motion is returnable on August 24th at eleven o'clock.

Mr. Rose, have you made arrangements to have the Court of Appeal convene on the 24th of August?

MR. ROSE: No sir, I have not. I have spoken to Mr. Preston, the Registrar, before today and asked him if the Court of Appeal can convene before that date, and that is why it was put on August the 24th at eleven o'clock or so soon thereafter as the Motion may be heard.

I shall see Mr. Preston at the noon hour today. As a matter of fact, I tried to contact Mr. Preston but was unable to. I shall certainly file this in the Court of Appeal office and see Mr. Preston and if it will possibly be on that date we will be prepared to proceed, and if not, possibly on such date as we can get.

THE COMMISSIONER: The long holiday does not expire until the 6th of September.





1 MR. ROSE: I know that is the date the
2 appeal is being heard.

3 THE COMMISSIONER: Having been served with
4 the Notice of Motion, I feel myself stymied for the
5 time being, unless counsel have something to say.
6 These hearings will stand adjourned sine die,
7 pending the decision of the Court of Appeal.

8
9 ---Further proceedings adjourned sine die.

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OF PROCEEDINGS

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TUESDAY, SEPTEMBER 11, 1962

---On resuming at 10.05 a.m.

MR. WILSON: Mr. Commissioner, this morning we turn to Question 1, and Question 1 under the Terms of Reference reads as follows:

"The administration of the laws and

"regulations regarding the incor-

"poration and operations of social

"clubs having regard to allegations

"made by the Leader of the Opposition

"in his speech of November 29, 1961."

The first witness that I will be calling on that question will be the Honourable Mr. John Yaremko, and he has prepared, or there has been prepared in his department under his guidance, a brief with a number of appendices. It is proposed that he will read the brief, and that then we will later call Mr. Cudney, the Deputy Provincial Secretary, to deal with the same brief.

The brief and the appendices are quite voluminous, and the Provincial Secretary proposes to make available to members of the press copies of the brief, but he would like to have a direction from you, Mr. Commissioner, to the press that any parts of the brief that have not been read, say, at the end of the day, not be reported. In other words, he is making it available as a matter of



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1 convenience for the press, and he asks you to
2 direct that they not anticipate what may be
3 in evidence, say, to-morrow or this afternoon.
4 I think that is a reasonable request, and on
5 that basis copies of the brief and the
6 appendices will be available to all the
7 members of the press.

8 THE COMMISSIONER: Well, we will cross
9 that bridge when we come to it.

10 MR. MacKINNON: Mr. Commissioner, I
11 wonder if I might address you, sir, on the
12 request which I have to make in the alternative.

13 You did, sir, advise me that you and
14 Mr. Wilson had received voluminous material
15 some weeks ago from Mr. Yaremko and his
16 Department. I then requested of you, sir,
17 if it would not be helpful if I and Mr.
18 Brewin were given a copy of this material.
19 You felt, as I understood you, sir, that this
20 was a reasonable request, and you said you
21 would ask Mr. Yaremko if that were possible.
22 You apparently spoke to Mr. Yaremko and then
23 advised me that we would not be allowed to
24 see this material and, of course, we have
25 not seen it to date, but that you would, in
26 view of the fact that this was so voluminous,
27 allow an adjournment to give us an opportunity
28 of looking at the material.

29 Now, my suggestion is this. The only
30 one who apparently will be prepared to proceed



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1 with this material is Mr. Wilson who has had it
2 for some time from Mr. Yaremko. It will mean
3 that there will be a considerable hiatus quite
4 probably between the evidence in chief and
5 the cross-examination. What I would suggest
6 is that the material be filed this morning,
7 and there will be no delay in this because you,
8 sir, I believe, are going to grant an adjourn-
9 ment in any event, and then we adjourn to
10 allow us to examine the material. Then when
11 Mr. Yaremko gets in the box to give his
12 evidence, the cross-examination can follow
13 on immediately so that if there is a hiatus
14 in other words it takes place now rather than
15 between the evidence and the cross-examination.
16 If you, sir, do not feel that this is a
17 reasonable request, I have a second alternative
18 one to make. As you know, Mr. W.E. Estey, Q.C.,
19 is taking over on this question for me. We
20 had very short notice that we were going to
21 proceed to-day. We were advised yesterday
22 that we were proceeding to-day. Mr. Estey,
23 who was in Court all day yesterday, had to go
24 to Ottawa to-day on an income tax matter which
25 involves people coming from Regina and
26 Saskatoon, who are now in Ottawa, and there
27 will be no possibility of adjourning it. So
28 he will be there to-day in Ottawa. He has
29 gone there now, he flew there last night,
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1 9.00 o'clock to-night.

2 What I would ask in the alternative is
3 that his matter be adjourned until to-morrow
4 morning so that Mr. Estey -- if you are going
5 to proceed and allow Mr. Yaremko to read from
6 this very voluminous material, that you
7 adjourn it for the day to allow Mr. Estey
8 to be here from the beginning to hear what
9 is said, hear what is left out. The transcript
10 is not always as good or as colourful as hearing
11 a witness himself, as you know, sir, and it
12 is helpful to counsel to be present to hear
13 what is actually said. That is the
14 alternative request I make.

15 The third request, I think, is a quite
16 normal one. I see Mr. Wilson is concerned
17 about the press receiving copies. I trust
18 that we also on this side of the table will
19 be given copies of what Mr. Yaremko has.

20 MR. WILSON: Dealing with this last
21 point, I did not mention it but it goes
22 without saying that as soon as the witness
23 goes in the box ---

24 THE COMMISSIONER: I should have thought
25 so.

26 MR. BREWIN: May I, sir, associate
27 myself with Mr. MacKinnon in this request
28 for an adjournment. Observing Mr. Yaremko
29 and certain blue-covered volumes that he has
30 in front of him, they look extremely large

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1 and formidable. It may take several weeks to
2 deal with them, but at least I would think
3 that counsel could be given an opportunity to
4 see this material before Mr. Yaremko starts
5 to give any evidence more than filing them,
6 because it may be during the course of the
7 evidence in chief some question might come
8 up as to the relevance or admissibility of
9 some of this voluminous material, or its
10 accuracy. One does not know.

11 The procedure so far seems to me to
12 have been inexplicably unco-operative as far
13 as Mr. Yaremko is concerned with the other
14 counsel involved, and I cannot see any purpose
15 in throwing obstacles in our way when we are
16 trying to assist in getting out the facts.
17 It is hard to understand that.

18 I do respectfully suggest that it would
19 be only fair to counsel involved -- and I
20 have Mr. Lawlor with me who is going to take
21 over for my client at the same time as Mr.
22 Estey, I do not think it would be fair to
23 Mr. Lawlor to even sit -- I don't know how
24 long Mr. Yaremko is going to read that blue
25 volume to you, but it looks quite a substantial
26 volume and it may be, if we did have a chance
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1 I therefore associate myself with the
2 first of Mr. MacKinnon's requests. As to the
3 second, that is a matter that affects him
4 and not me.

5 THE COMMISSIONER: We have already lost
6 very valuable time, and I propose not to
7 adjourn this, Mr. MacKinnon, as you suggest,
8 until to-morrow. In making that ruling I
9 am clearly satisfied that it is not in any
10 way unfair. I have had an opportunity of
11 glancing through this brief. It was given
12 to me for my perusal only and on the under-
13 standing that it should not be made available
14 to anybody but myself and Commission counsel.

15 It looks voluminous. I rather think
16 that there is much which it is not necessary
17 to delve into.

18 Therefore I rule against it and Mr.
19 Yaremko will be called now and he may read
20 the brief. You will be here and it will
21 be pretty much a matter of formality,
22 reading it.

23 Were you about to say something?

24 MR. MacKINNON: No, I was waiting for
25 you to finish, sir.

26 THE COMMISSIONER: Well, I paused.

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2 may say what you want.

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4 against the request which I am making on Mr.
5 Estey's behalf. I will not be here to-day.
6 I will be leaving after this. We do not
7 know, we are completely in the dark whether it
8 is relevant or irrelevant, but that before
9 Mr. Estey has to cross-examine he will be
10 given an opportunity ---

11 THE COMMISSIONER: By all means.

12 MR. MacKINNON: And there will be an
13 adjournment to allow us to go through this
14 material.

15 THE COMMISSIONER: You will be given
16 ample time to go through it. It may well
17 be that we will go on with something else
18 while Mr. Estey is going through it, because
19 I am not going to waste time. Too much time
20 has been lost already.

21 MR. MacKINNON: You are not, I trust,
22 accusing me of wasting time?

23 THE COMMISSIONER: Of course not. All
24 right, let us get on.

25 MR. WILSON: I call Mr. Yaremko.

26 MR. BREWIN: I wonder if it could be
27 noted that Mr. Lawlor will be representing
28 the New Democratic Party in this case, Mr.
29 Patrick Lawlor.
30



THE COMMISSIONER: I pause now so that you

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Justice.



1 JOHN YAREMKO, sworn

2 THE COMMISSIONER: I understand that you
3 would like to sit down.

4 A. Yes. Mr. Commissioner, I have
5 here a Volume 10 of the brief and appendices
6 which I will give to you for your purposes.

7 THE COMMISSIONER: There may be some
8 changes in the draft originally.

9 A. Yes.

10 THE COMMISSIONER: With respect to the
11 handling of the brief with reference to the
12 press, just retain it for the time being.

13 MR. WILSON: May I proceed, Mr. Commissioner?

14 THE COMMISSIONER: Yes.

15 EXAMINED BY MR. WILSON:

16 Q. You are the Provincial Secretary
17 of the Province of Ontario?

18 A. I am.

19 Q. How long, or when were you
20 appointed to that position?

21 A. On 26th May, 1960.

22 MR. WILSON: I think in view of the fact
23 that Mr. Yaremko is going to have a lengthy
24 ordeal in the box, that he might be permitted
25 to sit.

26 THE COMMISSIONER: You advised me of
27 that, Mr. Yaremko. Please dit down.

28 MR. WILSON: You have, I see, in the
29
30



JOHN YAREMKO, sworn

THE COMMISSIONER: I understand that you

would like to sit down.

A. Yes. Mr. Commissioner, I have

here a Volume 10 of the brief and appendices

which I will give to you for your purposes.

THE COMMISSIONER: There may be some

changes in the draft originally.

A. Yes.

THE COMMISSIONER: With respect to the

handling of the brief with reference to the

press, just retain it for the time being.

MR. WILSON: May I proceed, Mr. Commissioner?

THE COMMISSIONER: Yes.

EXAMINED BY MR. WILSON:

Q. You are the Provincial Secretary

of the Province of Ontario?

A. I am.

Q. How long, or when were you

appointed to that position?

A. On 26th May, 1900.

MR. WILSON: I think in view of the fact

that Mr. Yaremko is going to have a lengthy

order in the box, that he might be permitted

to sit.

THE COMMISSIONER: You advised me of

that, Mr. Yaremko. Please sit down.

MR. WILSON: You have, I see, in the



1 brief that you propose to file, at page 5 referred
2 to the various personnel who have held the office
3 of Provincial Secretary from 1943 to date,
4 and just for the record possibly at this stage
5 if we could have you recite the facts in
6 that connection.

7 A. Yes, I shall. If I might just
8 say a word prior to that, Mr. Commissioner,
9 in respect to this brief, I am going to be
10 presenting this brief on behalf of the
11 Department. Certain matters come within
12 my personal knowledge, directly or indirectly,
13 as Minister since 26th May, 1960. The rest
14 comes within the knowledge of the Deputy
15 Minister, Mr. R.J. Cudney, Q.C., either directly
16 or indirectly.

17 My predecessors did not participate in
18 its preparation, and indeed they as yet have
19 not had an opportunity of reading the brief.

20 Various personnel have been connected
21 with the preparation of the brief, and I
22 mention in particular Mr. Sam Lavine, Director
23 of Companies; Mr. James Daly, Executive
24 Officer; and Mr. Sam Margolian, a solicitor in
25 the Department.

26 The brief is dated 19th March, 1962,
27 which is the date preceding the first day of
28 the sittings of the Commission. Other
29 relevant dates are 29th November, 1961, the
30 date of the speech referred to, and 11th



brief, that you propose to file, at page 5 referred to the various personnel who have held the office of Provincial Secretary from 1943 to date, and just for the record possibly at this stage if we could have you recite the facts in that connection.

A. Yes, I shall. If I might just

say a word prior to that, Mr. Commissioner, in respect to this brief, I am going to be presenting this brief on behalf of the Department. Certain matters come within my personal knowledge, directly or indirectly, as Minister since 20th May, 1950. The rest comes within the knowledge of the Deputy Minister, Mr. J. J. [unclear], who is directly or indirectly.

My predecessors did not participate in its preparation, and indeed they as yet have not had an opportunity of reading the brief. Various personnel have been connected with the preparation of the brief, and I mention in particular Mr. Sam Lavine, Director of Companies; Mr. James Daly, Executive Officer; and Mr. Sam Margolian, a solicitor in the Department.

The brief is dated 19th March, 1952, which is the date preceding the first day of the sittings of the Commission. Other relevant dates are 29th November, 1951, the date of the speech referred to, and 11th



1 December, 1961, the date of the appointment of
2 the Commissioner. The statistics contained
3 herein have been prepared accordingly. I
4 wanted to make that statement in order to
5 familiarize you with the preparation of this
6 brief. THE COMMISSIONER: You do not need it.

7 MR. WILSON: Possibly we could mark the
8 brief as an exhibit and the appendices. Have
9 you got a copy for the Registrar?

10 THE COMMISSIONER: I have a copy of
11 the brief.

12 THE WITNESS: It is the signed copy,
13 my lord.

14 MR. WILSON: Possibly that copy is the
15 one that should be marked, Mr. Commissioner.

16 THE COMMISSIONER: On what page is it?

17 A. Page 98 of the brief proper.

18 Q. There are not 98 pages in the
19 brief that I have. I am looking at the one
20 you just handed me, No. 10. There are not
21 98 pages in it. I beg your pardon, thank
22 you.

23 We will mark the brief as Exhibit 253.
24 Then the appendices, I suppose, should be
25 marked with the same letter of the alphabet
26 as they each have, so that they will be 253-A,
27 B, C, D, etcetera.

28 MR. WILSON: Mr. Registrar, this box is
29 Appendix M.

30 THE COMMISSIONER: How many appendices



December, 1961, the date of the appointment of the Commissioner. The statistics contained

herein have been prepared accordingly. I

wanted to make that statement in order to

familiarize you with the preparation of this

brief.

MR. WILSON: Possibly we could mark the

brief as an exhibit and the appendices. Have

you got a copy for the Registrar?

THE COMMISSIONER: I have a copy of

the brief.

THE WITNESS: It is the signed copy,

my lord.

MR. WILSON: Possibly that copy is the

one that should be marked, Mr. Commissioner.

THE COMMISSIONER: On what page is it?

A. Page 98 of the brief proper.

Q. There are not 98 pages in the

brief that I have. I am looking at the one

you just handed me, No. 10. There are not

98 pages in it. I beg your pardon, thank

you.

We will mark the brief as Exhibit 253.

Then the appendices, I suppose, should be

marked with the same letter of the alphabet

as they each have, so that they will be 253-A,

B, C, D, etcetera.

MR. WILSON: Mr. Registrar, this box is

Appendix M.

THE COMMISSIONER: How many appendices



1 are there?

2 MR. WILSON: Well, possibly I should list
3 them. They appear in the brief on the second
4 page. Appendix A -- Statutes and Regulations
5 administered by the Department.

6 THE COMMISSIONER: You do not need to
7 read them. I see them now on page 2. Exhibit 253
8 will be the Provincial Secretary's brief with
9 all the appendices. That is good enough
10 for the purpose of identification.

11
12 ---EXHIBIT NO. 253: Brief of the Provincial
13 Secretary.

14 MR. WILSON: Then would you just proceed
15 with the reading of this brief and in that way
16 we will in due course come to the question
17 that I asked you a moment ago.

18 A. Yes.

19 THE COMMISSIONER: Now, the Reporter need
20 not bother himself with copying this down as
21 it is read. We have it all in printed form,
22 so we will not need to refer to any Reporter's
23 notes for that purpose.

24 THE WITNESS: Mr. Commissioner, from time
25 to time I may make a short insertion in the
26 brief.

27 THE COMMISSIONER: Then the Reporter can
28 take that.

29 A. And I will so indicate when I come
30 to it. Mr. Commissioner, I will read commencing



are there?

MR. WILSON: Well, possibly I should list

them. They appear in the brief on the second

page. Appendix A -- Statutes and Regulations

administered by the Department.

THE COMMISSIONER: You do not need to

read them. I see them now on page 2. Exhibit 223

will be the Provincial Secretary's brief with

all the appendices. That is good enough

for the purpose of identification.

---EXHIBIT NO. 223: Brief of the Provincial
Secretary.

MR. WILSON: Then would you just proceed

with the reading of this brief and in that way

we will in due course come to the question

that I asked you a moment ago.

A. Yes.

THE COMMISSIONER: Now, the Reporter need

not bother himself with copying this down as

it is read. We have it all in printed form,

so we will not need to refer to any Reporter's

notes for that purpose.

THE WITNESS: Mr. Commissioner, from time

to time I may make a short insertion in the

brief.

THE COMMISSIONER: Then the Reporter can

leave that.

A. And I will so indicate when I come

to it. Mr. Commissioner, I will read commencing



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at page 1 headed "Introduction".

MR. WILSON: Mr. Commissioner, do I need
to stand except where I need to interrupt?

THE COMMISSIONER: No.

---(Mr. Yaremko began to read his brief.)

(Page 9165 follows)



at page 1 headed "Introduction".

MR. WILSON: Mr. Commissioner, do I need

to stand except where I need to interpret?

MR. COMMISSIONER: No.

---(Mr. Yaremko began to read his brief.)

(page 915 follows)



1 THE WITNESS: (Continuing to read page 1
2 of the brief.)

3
4 --- (Page 2.)

5
6 --- (Page 3.)

7 " Among such documents and
8 "record are:

9 " -- Commissions of public
10 "inquiry . . ."

11 And I interject, Mr. Commissioner, that it
12 is a notable example of the principle of the
13 rule of law of one of the democratic institutions
14 in our country that I countersigned the
15 appointment of the commission of inquiry of
16 this Commission as Provincial Secretary.

17 " -- Commissions of appointment

18 " * Cabinet Ministers

19 " * Executive Councillors . . .

20
21 " This inquiry is concerned

22 "with the law as set out in the

23 "above two statutes and the

24 "Regulations thereunder (and these

25 "are attached in Appendix A)."

26 Mr. Commissioner, I believe Mr. Wilson
27 has a complete set of those statutes, and
28 they are marked as Appendix A. They are
29 the only copy of Appendix A, this listing of
30 these statutes.



THE WITNESS: (Continuing to read page 1

of the brief.)

---(page 2.)

---(page 3.)

" Among such documents and

" record are:

" -- Commissions of public

" industry "

And I interject, Mr. Commissioner, that it

is a notable example of the principle of the

rule of law of one of the democratic institutions

in our country that I counterbalanced the

appointment of the commission of industry of

this Commission as Provincial Secretary.

" -- Commissions of appointment

" * Cabinet Ministers

" * Executive Councilors "

" This industry is concerned

" with the law as set out in the

" above two statutes and the

" Regulations thereunder (and these

" are attached in Appendix A). "

Mr. Commissioner, I believe Mr. Wilson

has a complete set of those statutes, and

they are marked as Appendix A. They are

the only copy of Appendix A, this listing of

these statutes.



1 There will be made available to all
2 other interested persons copies of the Corporations
3 Act and the Corporations Information Act, and
4 the Regulations thereunder, which form part
5 of Appendix A.

6
7 --- (Page 4.)

8 "About three years ago the
9 "functions of the Department were
10 "extended to include a section on
11 "citizenship, and on the 27th of
12 "January, 1961, an Act came into
13 "effect constituting the Department
14 "as the 'Department of the Provincial
15 "Secretary and Citizenship' a copy
16 "of which Act is attached in Appendix
17 "A. . . ."

18
19 --- (Page 5.)

20 --- (Page 6.)

21 " II
22 " ORGANIZATION OF THE DEPARTMENT
23 " The Department of the
24 "Provincial Secretary and Citizenship
25 "consists of several divisions.
26 "The principal division with which
27 "this inquiry is concerned is the
28 "Companies Division, and its
29 "organization and functions will be
30 "set out in detail in Chapter III,



There will be made available to all

other interested persons copies of the Corporations

Act and the Corporations Information Act, and

the Regulations thereunder, which form part

of Appendix A.

---(Page 4.)

"About three years ago the

"Functions of the Department were

"extended to include a section on

"citizenship, and on the 27th of

"January, 1961, an Act came into

"effect constituting the Department

"as the 'Department of the Provincial

"Secretary and Citizenship' a copy

"of which Act is attached in Appendix

"A. . . . "

---(Page 5.)

---(Page 6.)

"II

"ORGANIZATION OF THE DEPARTMENT

"The Department of the

"Provincial Secretary and Citizenship

"consists of several divisions.

"This industry is concerned in the

"Companies Division, and its

"organization and functions will be

"set out in detail in Chapter III,



1 "and that it was thought useful to summarize
2 "briefly some of the other divisions
3 "as to which more extensive infor-
4 "mation is set out in the Organization
5 "Chart I (unfold page 8) and in
6 "Appendix B."

7 Before continuing to read, I direct your
8 attention, Mr. Commissioner, to Appendix B
9 which, subject to your approbation, I do not
10 propose to read. That sets out in more
11 detail the various divisions of the Department,
12 other than the Companies Division, which are
13 summarized in the brief proper and which I
14 propose to continue reading.

15 Appendix B was provided to provide you
16 with additional information should you care
17 to read more of the detail of the Department.

18 THE COMMISSIONER: Q. You do not need
19 to read Appendix B. For example, I am not
20 concerned very much at all with the Marriage
21 Division, and matters of that sort.

22 A. That is a page and a half, with
23 the chart, which would give you the picture
24 of the complete Department.

25 Q. Yes.

26 A. "a) Registrar General. The
27 "Vital Statistics Act provides for
28 "the Department of the Registrar
29 "General and the Provincial Secretary
30 "and Minister of Citizenship is by



"and Minister of Citizenship is by

"General and the Provincial Secretary

"the Department of the Registrar

"Vital Statistics Act provides for

A. "a) Registrar General. The

Q. Yes.

of the complete Department.

the chart, which would give you the picture

A. That is a page and a half, with

Division, and matters of that sort.

concerned very much at all with the Marriage

to read Appendix B. For example, I am not

THE COMMISSIONER: Q. You do not need

to read more of the detail of the Department.

with additional information should you care

Appendix B was provided to provide you

propose" to continue reading.

summarized in the brief paper and which I

other than the Companies Division, which are

detail the various divisions of the Department,

propose to read. That sets out in more

which, subject to your approbation, I do not

attention, Mr. Commissioner, to Appendix B

Before continuing to read, I direct your

"Appendix B."

"Chart I (unfolds page 8) and in

"matter is set out in the Organization

"as to which more extensive infor-

"briefly some of the other divisions

"and that it was thought useful to summarize



1 "Order in Council appointed Registrar

2 "General"

3
4 ". . . .h) Speaker's Office"

5 Q. . . . Mr. Yaremko, instead of reading
6 all that, much of which at the moment, while
7 I find it interesting, I doubt very much
8 whether I will be so interested in it to
9 refer to it again. . . . Why not take that as
10 read?

11 A. . . . Fine.

12 I will proceed, Mr. Commissioner, to
13 page 9:

14 " III

15 " THE COMPANIES DIVISION

16 " Organization

17 " The principal division of the

18 "Department with which this inquiry

19 "is concerned is the Companies

20 "Division, and for this reason it

21 "is deemed fit to deal in greater

22 "detail with its organization and

23 "functions than with the other

24 "divisions"

25
26 " Incorporations: . . . This section

27 "consists of 22 persons, including

28 "6 solicitors" - and they are

29 listed on Chart No.2 -

30 " . . . who have been with the



"Order in Council appointed Registrar

"... (h) Speaker's Office ..."

Q. Mr. Yaremko, instead of reading

all that, much of which at the moment, while

I find it interesting, I doubt very much

whether I will be so interested in it to

refer to it again. Why not take that as

A. Fine.

I will proceed, Mr. Commissioner, to

III

THE COMPANIES DIVISION

"The principal division of the

"Department with which this industry

"is concerned is the Companies

"Division, and for this reason it

"is deemed fit to deal in greater

"detail with its organization and

"functions than with the other

"divisions

"... Incorporations: This section

"consists of 22 persons, including

"6 solicitors . . . - and they are

listed on Chart No. 2 -

"... who have been with the



1 "Department from a maximum of more than
2 "eleven years to a minimum of two
3 "and one-half years, the supervisor
4 "of services, who has been with the
5 "Department for 27 years, and the
6 "necessary secretaries and clerks. . . ."

7 -----
8 (Page 10)

9 "More new corporations are
10 "incorporated in Ontario each year
11 "than in any other jurisdiction in
12 "Canada. Statistics indicating, for
13 "each fiscal year commencing with
14 "the fiscal year ending March 31st,
15 "1950, the number of documents
16 "which have been processed by the
17 "Department are set out in the
18 "following Table: . . ."

19 Q. Well, we will take the table as
20 read.

21 A. "The above statistics refer, of
22 "course, only to the actual number of
23 "the documents completely processed. . . ."

24 -----
25 (Page 11)

26 ". . . Reference is made to Appendix F
27 "listing 981 corporations, and to
28 "Appendix I listing 186 applications,
29 "which were refused, the names of
30 "which will indicate the variety of



"Department from a maximum of more than

"eleven years to a minimum of two

"and one-half years, the supervisor

"of services, who has been with the

"Department for 27 years, and the

"... necessary services and of ...

(Page 10)

"More new corporations are

"incorporated in Ontario each year

"than in any other jurisdiction in

"Canada. Statistics indicating, for

"each fiscal year commencing with

"the fiscal year ending March 31st,

"1950, the number of documents

"which have been processed by the

"Department are set out in the

"Following Table: . . ."

G. Well, we will take the table as

read.

A. "The above statistics refer, of

"course, only to the actual number of

"the documents completely processed. . . ."

(Page 11)

"... Reference is made to Appendix B

"listing 981 corporations, and to

"Appendix I listing 186 applications,

"which were refused, the names of

"which will indicate the variety of



1 "objects, and in Appendix G are listed
2 "18 corporations whose objects are
3 "listed in full and some idea may be
4 "obtained of the variety of objects."

5 And if I may pause for a moment to ask
6 you to turn, Mr. Commissioner, to Appendix F,
7 which is the large appendix entitled:

8 "Applications for Incorporation with
9 "Objects In Whole Or In Part Of a
10 "Social Nature (Except Social Clubs)
11 "Received After July 1st, 1950, and
12 "Granted Before December 11th, 1961,
13 "Where The Pre-incorporation Police
14 "Reports Were Completely Favourable
15 "And Where There Have Been No Complaints
16 "Since Incorporation."

17 I ask you to turn to the index on the
18 next page.

19 Now, the index, numbering some 17 pages,
20 lists the names of 981 corporations. I do not
21 propose to read this index, subject to your
22 approbation, Mr. Commissioner, but I would
23 request you, and other interested parties, to
24 read this index because the names alone, when
25 you read the 17 pages totalling 981, are
26 some indication of the broad interpretation
27 which the Department has placed on the
28 meaning of the word "social".

29 Q. Yes.

30 A. Also, Mr. Commissioner, I would



"objects, and in Appendix G are listed
 "13 corporations whose objects are
 "listed in full and some ideas may be
 "obtained of the variety of objects."
 And if I may pause for a moment to ask
 you to turn, Mr. Commissioner, to Appendix H,
 which is the large appendix entitled:
 "Applications for incorporation with
 "objects in whole or in part of a
 "social nature (except social clubs)
 "Received After July 1st, 1950, and
 "Granted Before December 31st, 1951,
 "where the pre-incorporation notice
 "states that the objects are
 "And Where There Have Been No Complaints
 "Since Incorporation."
 I ask you to turn to the index on the
 next page.
 Now, the index, numbering some 17 pages,
 lists the names of 981 corporations. I do not
 propose to read this index, subject to your
 approbation, Mr. Commissioner, but I would
 request you, and other interested parties, to
 read this index because the names alone, when
 you read the 17 pages totalling 981, are
 some indication of the broad interpretation
 which the Department has placed on the
 meaning of the word "social".



1 ask you to turn over, for a moment, to the book
2 containing all the appendices and refer to
3 Appendix G. It has the yellow page immediately
4 preceding it.

5 Q. Yes, I have it. Thank you.

6 A. Appendix G contains "Applications for
7 Incorporations With Objects In Whole Or In
8 Part Of a Social Nature Received After July 1st,
9 1950, And Granted Before December 11th, 1961,
10 That Were Not Referred To The Police In The
11 Regular Course". If you would turn to page 1
12 of that particular appendix and to the
13 following pages. The Department has in
14 this appendix set out the object clauses in
15 full. A reading of the 17, plus one,
16 corporations referred to would indicate the
17 broad nature given to the interpretation
18 by the Department of the meaning of the word
19 "social".

20 Q. Yes.

21 A. I will be coming to this appendix
22 later on in more detail, Mr. Commissioner.

23 Q. I suppose in connection with
24 Chipper Sales and Advertising?

25 A. No, I will be referring to that
26 whole appendix later on. The Chipper Sales
27 is dealt with, not in the appendix, but in
28 the brief proper because it appears in the
29 Speech.

30 "It would appear that of the



ask you to turn over, for a moment, to the book containing all the appendices and refer to Appendix G. It has the yellow page immediately preceding it.

Q. Yes, I have it. Thank you.

A. Appendix G contains "Applications for

Incorporations With Objects In Whole Or In Part Of a Social Nature Received After July 1st, 1950, And Granted Before December 15th, 1951, That Were Not Referred To The Police In The Regular Course". If you would turn to page 1

of that particular appendix and to the following pages. The Department has in this appendix set out the object clauses in full. A reading of the 17, plus one, corporations referred to would indicate the broad nature given to the interpretation by the Department of the meaning of the word

"social".

Q. Yes.

A. I will be coming to this appendix

later on in more detail, Mr. Commissioner.

Q. I suppose in connection with

Chipper Sales and Advertising?

A. No, I will be referring to that

whole appendix later on. The Chipper Sales is dealt with, not in the appendix, but in the brief proper because it appears in the

Appendix.

" It would appear that of the



"approximately 65,000 corporations of
"all kinds presently in existence in
"Ontario, it is estimated that about
"5 per cent or 3,200 of such cor-
"porations have objects in whole or
"in part of a social nature in the
"sense interpreted by the Department
"as set out above. . . .

" Both in the compilation of the
"list and in the analysis of the
"files of the corporations on the
"list, the Department has included
"every corporation that could in
"any conceivable way be construed
"as having objects of a social
"nature. The task has been very
"great indeed."

Q. Do you think you really need to
read Chapter 4, Mr. Yaremko?

A. Mr. Commissioner, the purpose of
Chapter 4, in respect to the advantages of
incorporation, is to provide the background
in this brief of the thinking that I submit,
and will be submitted, the Provincial Secretary
must bear in mind in the exercise of his
discretion.

Now, it is one page long.

There are certain paragraphs which have
a specific bearing -- some may not be as



"approximately 65,000 corporations of
"all kinds presently in existence in
"Ontario, it is estimated that about
"5 per cent or 3,200 of such cor-
"porations have objects in whole or
"in part of a social nature in the
"sense interpreted by the Department
"as set out above. . . .

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"list and in the analysis of the
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in this brief of the thinking that I submit,
and will be submitted, the Provincial Secretary
must bear in mind in the exercise of his

Now, it is one page long.

a specific bearing -- some may not be as



1 relevant as others -- but I submit all are
2 necessary to provide the necessary background.

3 Q. The only reason I suggested that
4 you need not wear yourself out reading that
5 is that I think I know the advantages of
6 incorporation, and so do counsel appearing
7 here. However, if you really think there
8 is something to be contributed by reading it,
9 or stressing parts of it, why, go right
10 ahead.

11 A. Thank you.

12 (Page 13)

13 "

IV

14 "ADVANTAGES OF INCORPORATION

15 "Since reference will be made

16 "later, in discussing the discretion

17 "of the Minister, to the advantages

18 "of incorporation, some of them are

19 "herewith set out. . . .

20 -----
21 "...However, the Criminal Code

22 "of Canada does provide a certain

23 "exemption referred to infra. It

24 "is the view of the Department

25 "that there is a general misunder-

26 "standing among segments of the

27 "public that the Letters Patent

28 "commonly known as a Charter

29 "incorporating a corporation with

30 "objects of a social nature . . ." -



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Q. The only reason I suggested that

you need not wear yourself out reading that
is that I think I know the advantages of
incorporation, and so do counsel appearing
here. However, if you really think there
is something to be contributed by reading it,
or stressing parts of it, why, go right

ahead.

A. Thank you.

(Page 13)

IV

"ADVANTAGES OF INCORPORATION

"Since reference will be made

"later, in discussing the discretion

"of the Minister, to the advantages

"of incorporation, some of them are

"herewith set out. . . .

"...However, the Criminal Code

"of Canada does provide a certain

"restriction relating to the

"is the view of the Department

"that there is a general misunder-

"standing among segments of the

"public that incorporation

"commonly known as a Charter

"incorporating a corporation with

"objects of a social nature. . . ."



1 and the following five words are repetition and
2 should be stricken out -

3 "... give the corporation some kind
4 "of a licence to operate contrary to
5 "the general laws applicable to other
6 "persons, i.e. a licence to break
7 "the law, and it is to correct this
8 "misapprehension on the record that
9 "The Department makes this statement. . . ."

10 -----

11 (Page 14)

12 (Page 15)

13 " . . . In the following out
14 "of this practice, occasions have
15 "arisen where the reports of other
16 "departments or agencies of government
17 "to the Minister . . ."

18 Q. Just pause for a moment. All
19 right.

20 A. "In the following out of this
21 "practice, occasions have arisen
22 "where the reports of other depart-
23 "ments or agencies of government
24 "to the Minister have been other
25 "than completely favourable to the
26 "application, but the Minister in
27 "the exercise of his discretion
28 "upon a review of all the circum-
29 "stances has come to the conclusion
30 "that incorporation should be granted. . . .



and the following five words are repetition and

should be stricken out -

" . . . give the corporation some kind

"of a licence to operate contrary to

"the general laws applicable to other

"persons, i.e. a licence to break

"the law, and it is to correct this

"misapprehension on the record that

"The Department makes this statement. . . ."

(page 14)

(page 15)

" . . . In the following out

"of this practice, occasions have

"arisen where the reports of other

"departments or agencies of government

"to the Minister . . ."

Q. Just pause for a moment. All

right.

A. "In the following out of this

"practice, occasions have arisen

"where the reports of other depart-

"ments or agencies of government

"to the Minister have been other

"than completely favourable to the

"application, but the Minister in

"the exercise of his discretion

"upon a review of all the circum-

"stances has come to the conclusion

"that incorporation should be granted. . . ."



1 " . . . Attached hereto as Appendix
2 "C is a copy of the Affidavit of
3 "the Provincial Secretary that was
4 "filed with the Supreme Court of
5 "Ontario in the Stainer case referred
6 "to above, which sets out matters
7 "considered by the Provincial
8 "Secretary in exercising his discretion
9 "in that instance."

10 And I would ask you, Mr. Commissioner,
11 to turn to Appendix C. I should like to read
12 the affidavit:

13 " APPENDIX C

14 "PROVINCE OF ONTARIO (IN THE MATTER OF
15 (The Corporations
16 (Act, 1953, AND IN
17 (THE MATTER OF the
18 (Application of Molly
19 (Stainer, Sigmund
20 TO WIT: (Stainer and Jacqueline
21 (Gardner, for Letters
22 (Patent under the name
23 (Sunnydale Nursery
24 (Limited."

25 And I bring to your attention, Mr.
26 Commissioner, that this is not a corporation
27 incorporated for social objects but it is used
28 as an example of the discretion which the
29 Minister exercises in the issuance of letters
30 patent. . . There have not been applications
of this nature with respect to corporations
with social objects in recent times.

31 " I, JOHN YAREMKO, Q.C. of the
32 "City of Toronto, in the County of

" . . . Attached hereto as Appendix

"C is a copy of the Affidavit of

"the Provincial Secretary that was

"filed with the Supreme Court of

"Ontario in the Stainer case referred

"to above, which sets out matters

"considered by the Provincial

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to turn to Appendix C. I should like to read

the affidavit:

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(Application of Molly

(Stainer, Stymund

(Stainer and Jacqueline

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(Patent under the name

(Company's name)

(Limited.)"

TO WIT:

And I bring to your attention, Mr.

Commissioner, that this is not a corporation

incorporated for social objects but it is used

as an example of the discretion which the

Minister exercises in the issuance of letters

patent. There have not been applications

of this nature with respect to corporations

with social objects in recent times.

" I, JOHN YARBRO, O.C. of the

"City of Toronto, in the County of



1 "York, Provincial Secretary, make

2 "oath and say as follows: . . ."

3
4 "6. Now shown to me and marked

5 "Exhibit 'A' to this my Affidavit

6 "is a copy of a letter dated July

7 "20th, written to the

8 "Department of the Provincial

9 "Secretary by R.S. Rivers, the

10 "Deputy Minister of Education."

11 Q. Now Do you need to read that?

12 A. Possibly not.

13 Q. You have set out earlier the
14 matters to which you give consideration in
15 granting or refusing an application for
16 incorporation and a reference to the particular
17 matters in this particular case if of no great
18 value to me.

19 A. Perhaps I could skip to paragraph
20 10 of the affidavit.

21 Q. You simply say that in exercising
22 your discretion you came to the conclusion
23 that the incorporation should not be granted?

24 A. Yes.

25 Q. On the facts of that case?

26 A. Yes.

27 I refer to the last paragraph on page
28 15:

29 " It would appear that from an
30



"Your Honor, I would like to say, please

"and say as follows: . . ."

"Now shown to me and marked
"Exhibit 'A' to this my Affidavit
"is a copy of a letter dated July
"1904, written to the

"Department of the Provincial
"Secretary by R.S. Rivers, the
"Deputy Minister of Education."

Q. Do you need to read that?

A. Possibly not.

Q. You have set out earlier the

matters to which you give consideration in

granting or refusing an application for

incorporation and a reference to the particular
matters in this particular case if of any great

value to me.

A. Perhaps I could skip to paragraph

10 of the affidavit.

Q. You simply say that in exercising

your discretion you came to the conclusion

that the incorporation should not be granted?

A. Yes.

Q. On the facts of that case?

A. Yes.

I refer to the last paragraph on page

"It would appear that from an



1 "administrative point of view, the
2 "easiest thing to do would be to
3 "refuse incorporation in all instances
4 "upon the slightest negative evidence.
5 "There is no doubt about the harshness
6 "that might fall upon citizens if
7 "such a rigid policy were to be
8 "pursued."

9 Q. Mr. Yaremko, go back to the
10 paragraph reading, "After receiving such
11 "reports . . .". Do you see that?

12 A. Yes.

13 Q. Then, the last two sentences are
14 the sentences I was considering when I asked
15 you to pause earlier:

16 "He gives full consideration to
17 "the question whether incorporation
18 "would prejudicially affect the
19 "public interest to a greater
20 "extent than the denial of incorpora-
21 "tion would affect the private
22 "interest of the applicant."

23 Do you desire to enlarge on that?

24 A. Well, I think, Mr. Commissioner,
25 that if you were to read the two sentences
26 together - that instead of being a period it
27 could very easily have been a semicolon --

28 Q. I do not care how you punctuate
29 it.

30 A. The Provincial Secretary, and I



"administrative point of view, the

"easiest thing to do would be to

"refuse incorporation in all instances

"upon the slightest negative evidence.

"There is no doubt about the hardship

"that might fall upon citizens if

"such a rigid policy were to be

"pursued."

Q. Mr. Yaremko, go back to the

paragraph dealing with "After reading your

"reports . . ." Do you see that?

A. Yes.

Q. Then, the last two sentences are

the sentences I was considering when I asked

you to pause earlier:

"He gives full consideration to

"the question whether incorporation

"would prejudicially affect the

"public interest to a greater

"extent than the denial of incorpora-

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that if you were to read the two sentences

together - that instead of being a period it

could very easily have been a semicolon --

Q. I do not care how you punctuate

it.

A. The Provincial Secretary, and I



1 speak for myself, because I know what goes
2 on in my mind, in receiving these reports has
3 to come to a conclusion to determine what is
4 in the public interest, bearing in mind that
5 a denial to one private person is also a
6 consideration of the public interest. I
7 must weigh the two together to make a decision
8 in the exercise of my discretion because the
9 sum total of many private interests is the
10 public interest.

11 Q. Well, take the case where
12 certain persons apply for letters patent in-
13 corporating a company and it appears in your
14 judgment that, if the application is granted,
15 the public interest will be prejudicially
16 affected; do I understand you to say that you
17 put that in one pan of the scale and in the
18 other pan of the scale you put the extent
19 to which the private interest of the applicants
20 will be affected and you attempt to balance
21 one against the other?

22 A. That is just one process of
23 reasoning which, I submit, a Provincial Secretary
24 has in mind.

25 I will be referring you, Mr. Commissioner,
26 to Appendix I which will list some 123 corporations
27 which were refused incorporation because the
28 Provincial Secretary considered the facts
29 in each specific instance and came up with
30 a decision that it would be against the public



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26 to Appendix I which will list some 123 corporations
27 which were refused incorporation because the
28 Provincial Secretary considered the facts
29 in each specific instance and came up with
30 a decision that it would be against the public



1 interest in those 123 instances to issue
2 letters patent of incorporation.

3 The example used is only one mental
4 process. It was mentioned there to highlight
5 the fact that the public interest is, at times,
6 the sum total of a large number of private
7 interests, as I have mentioned.

8 Q. Well, --

9 MR. LAWLOR: Mr. Commissioner, may I
10 just, on a point of order? It is 1866 which
11 have been refused on the testimony before us,
12 not 123; just to keep the record straight.

13 THE COMMISSIONER: I do not know; I
14 have not applied any arithmetic yet.

15 I am rather concerned with what you
16 say, Mr. Yaremko, are the matters which you
17 took into consideration in overcoming, if you
18 like to put it that way, the adverse public
19 interest which would be affected if incorpora-
20 tion was granted. In other words, you have
21 an application before you for incorporation.
22 You say to yourself, applying one test as to
23 whether you should grant it or not: "If I
24 grant this the public interest will be
25 prejudicially affected." You put that, as it
26 were, in one pan of the scale, as I follow
27 you, and then you say: "Well, if I do not
28 grant it these three" - because there must be
29 at least three applicants - "these three,
30 their private interests are going to be adversely



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whether you should grant it or not: "If I

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were, in one pan of the scale, as I follow

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grant it these three" - because there must be

at least three applicants - "these three,

their private interests are going to be adversely



1 affected". You put that in the other pan of
2 the scale.

3 Can the adverse effect on three persons
4 overcome or balance the prejudicial effect
5 on the public interest generally at any time?

6 A. Mr. Commissioner, the Provincial
7 Secretary is dealing with the likelihood of
8 the public interest being prejudicially
9 affected. He is not endowed with such powers
10 as to be positive what the public interest
11 will be when he grants an incorporation; he
12 is dealing with the likelihood of there being.
13 He has to measure in his own mind how great
14 an extent that likelihood is. If there
15 is a very slight likelihood, then he bears
16 that in mind; as opposed to something where
17 the application speaks very loudly that not
18 only a likelihood ---

19
20
21 (Page 9181 follows)



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an extent that likelihood is. If there
is a very slight likelihood, then he bears
that in mind; as opposed to something where
the application speaks very loudly that not
only a likelihood ---

(Page 9181 follows)



1 Q. But a strong probability?

2 A. A strong probability. And, in the
3 light of his experience over a number of years
4 which he will garner in having dealt with
5 either those he has refused, and subsequent
6 experience has shown if he had to reconsider
7 that application he might have granted it in
8 the light of hindsight, and there may be
9 those on which he granted it on the slight
10 possibility and it may have turned out he
11 should not have. But, he is not endowed
12 with superhuman powers; he has to go on the
13 basis of his judgment. Those, I suggest,
14 are matters which he takes into consideration.

15 Q. Then, you have not expressed it
16 very well in the brief. You should say he
17 gives full consideration to the question as
18 to the probability or possibility, but that
19 is not the way you have put it. You say,
20 "He gives full consideration to the question
21 whether incorporation would . . ."

22 A. That is a measure of the degree.

23 I suggest, Mr. Commissioner, that that
24 is an opinion expressed; that you, sir, in
25 reviewing Appendix I --

26 I bring it to the attention of counsel
27 who interjected that Appendix I is broken
28 into two categories. There are 123 refusals
29 on the basis of objections from the police
30 or other government departments, and the



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should not have. But, he is not endowed

with superhuman powers; he has to go on the

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to the probability or possibility, but that

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into two categories. There are 123 refusals

on the basis of objections from the police

or other government departments, and the



1 balance of the 63 are made up of refusals because
2 they were not in accordance with government
3 policy generally.

4 Q. Regardless of all that, I wanted
5 to be sure that you were accurately expressing
6 yourself in two sentences that we have been
7 reading, and as I understand you now you
8 were not. That should read, if I understand
9 your oral explanation, "He gives full
10 consideration to the question of whether
11 incorporation may or may not"

12 A. Or "is likely to."

13 Q. You stated it as a positive manner,
14 whether it would.

15 A. The word "would" was intended,
16 I am sure, to mean ---

17 Q. With that explanation, I under-
18 stand it; but, otherwise, I was going to
19 disagree rather violently with you.

20 A. I wish you to know, Mr. Commissioner,
21 that as Provincial Secretary I am not endowed
22 with superhuman qualities; I cannot tell
23 what the future may bring.

24 "

VI

25 "

CANCELLATION -- "

26 Q. Just a moment. While we are on
27 that I would like to clear it all up.

28 A. All right.

29 MR. WILSON: Mr. Commissioner, I was
30 wondering if this would be an appropriate



balance of the 63 are made up of refusals because they were not in accordance with government policy generally.

Q. Regardless of all that, I wanted to be sure that you were accurately expressing yourself in two sentences that we have been reading, and as I understand you now you were not. That should read, if I understand your oral explanation, "He gives full consideration to the question of whether incorporation may or may not . . ."

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stand it; but, otherwise, I was going to disagree rather violently with you.

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that as Provincial Secretary I am not endowed with superhuman qualities; I cannot tell

what the future may bring.

" VI

" CANCELLATION -- "

Q. Just a moment. While we are on

that I would like to clear it all up.

A. All right.

MR. WILSON: Mr. Commissioner, I was

wondering if this would be an appropriate



1 time for a morning break?

2 THE COMMISSIONER: I got so interested I
3 forgot about the break.

4 Ten minutes.

5
6 --- (Short recess)

7 THE COMMISSIONER: All right, Mr. Yaremko.

8 A. In the provisions "VI

9 "CANCELLATION FOR CAUSE

10 "The Law

11 "The Legislature has provided in

12 "The Corporations Act: . . .

13 --- (Page 16)

14

15

16 (Page 9184 follows)

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time for a moment please

THE COMMISSIONER: I got so interested I

forgot about the break.

15 minutes.

---(short break)---

THE COMMISSIONER: All right, Mr. Yaremko.

A. "VI

CANCELLATION FOR CAUSE

The Law

"The Legislature has provided in

"The Corporations Act: . . .

---(long break)---

(page 2184 follows)



1 THE WITNESS: (Continuing to read from
2 page 16).

3 --- (Page 17.)
4

5 THE COMMISSIONER: Who, under the policy
6 in the Department, presides at the hearings?

7 A. The Deputy Minister. The
8 Deputy Minister presides, and the Director of
9 Companies acts on behalf of the Department in
10 the proceedings.

11 Q. As counsel?

12 A. As counsel.

13 "Chapter VII - THE CRIMINAL CODE
14 "AND SOCIAL CLUBS".

15 May I suggest, Mr. Commissioner, that
16 I do not read all of the provisions but only
17 that which is in bold type, or do you wish me
18 to read all of it?

19 THE COMMISSIONER: That will be quite
20 sufficient for my purposes.

21 A. "The following provisions
22 "of the Criminal Code would appear
23 "to have a particular application
24 "to incorporated social clubs:

25 " PART V

26 " DISORDERLY HOUSES, GAMING
27 AND BETTING

28 " Interpretation

29 "(d) 'common gaming house' means
30 "a place that is



THE WITNESS: (Continuing to read from

page 16).

---(Page 17.)

THE COMMISSIONER: Who, under the policy

in the Department, presides at the hearings?

A. The Deputy Minister. The

Deputy Minister presides, and the Director of

Companies acts on behalf of the Department in

the proceedings.

Q. As counsel?

A. As counsel.

"Chapter VII - THE CRIMINAL CODE

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May I suggest, Mr. Commissioner, that

I do not read all of the provisions but only

that which is in bold type, or do you wish me

to read all of it?

THE COMMISSIONER: That will be quite

sufficient for my purposes.

A. "The following provisions

"of the Criminal Code would appear

"to have a particular application

"to incorporated social clubs:

" PART V

STOCK EXCHANGE, GAMING
AND BETTING

"(d) 'common gaming house' means

"a place that is



1 " (1) kept for gain to which
2 " persons resort for the
3 " purpose of playing games; or
4 " (11) kept or used for the purpose
5 " of playing games
6 " (B) --- "

7 THE COMMISSIONER: I think (A) is
8 important.

9 A. (Continuing to read from page 18):

10 " (A) in which a bank is kept by
11 " one or more but not all of
12 " the players,

13
14 --- (Page 19.)

15 "(b) evidence that a place was found
16 "to be equipped with gaming equipment
17 "or any device for concealing,
18 "removing or destroying . . ."

19 I believe that should be "or destroying",
20 Mr. Commissioner.

21
22 --- (Continuing to read from page 19)

23 I pass by Section 170 and I pick up
24 the reading:

25 " It will be seen from the
26 "provisions of subsection 2 of
27 "section 168 quoted above . . ."



" (1) kept for gain to which
 persons resort for the
 purpose of playing games; or
 " (11) kept or used for the purpose
 of playing games
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A. (Continuing to read from page 18):
 " (A) in which a bank is kept by
 one or more but not all of
 the players,

---(page 19.)

"(b) evidence that a place was found
 "to be equipped with gaming equipment
 "or any device for concealing,
 "removing or destroying . . ."
 I believe that should be "or destroying",

Mr. Commissioner,

---(Continuing to read from page 19)

I pass by Section 170 and I pick up

the reading:

" It will be seen from the
 "provisions of subsection 2 of
 "section 168 quoted above . . ."



" VIII

" POLICY OF THE DEPARTMENT WITH RESPECT
" TO THE INCORPORATION OF SOCIAL CLUBS"

Now, I pause here for a moment, Mr.

Commissioner, to direct your attention to
Appendix D. Appendix D consists of memoranda
relative to the policy of the Department
with respect to social clubs and consists of
some twenty-one items, Item 1 on page 1 to
Item 24 on page 32.

In the course of reading this chapter,
Chapter VIII and the next Chapter IX on the
policy of the Department with respect to
cancellation for cause of charters of social
clubs, reference will be made from time to
time to these memoranda. In a way they are
summarized and digested in these chapters, and
I await your direction, either in whole or
from time to time, whether you wish to have
me read, in addition to what will be in the
brief proper, the relevant memoranda.

THE COMMISSIONER: Well, go ahead with
the brief proper for the time being at any
rate.

"A. (Continuing to read from page 20):

" The policy with respect to

"the incorporation of social clubs

"and corporations with objects in

"whole or in part of a social nature . . ."

---(Page 21.)



VIII

" POLICY OF THE DEPARTMENT WITH RESPECT
" TO THE INCORPORATION OF SOCIAL CLUBS "

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some twenty-one items, Item I on page 1 to
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Chapter VIII and the next Chapter IX on the

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rate.

"A. (Continuing to read from page 20):

" The policy with respect to

"the incorporation of social clubs

"and corporations with objects in

"whole or in part of a social nature . . . "



1 " A memorandum from the
2 "Deputy Minister to the then
3 "Minister (Hon.D.H.Porter,Q.C.)
4 "summarizing the then existing
5 "policy is set out in Appendix D,
6 "item 4."

7 Which is dated March 22nd, 1949:

8 " The policy to date was set
9 "out in a memorandum to the staff
10 "of the Department dated May 2nd,
11 "1949 from the Deputy Minister, a
12 "copy of which is attached in
13 "Appendix D,,item 5."

14 --- (Page 22.)
15

16 " A memorandum dated July 11th,
17 "1950 (Appendix D, item 6) setting
18 "out the above policy was forwarded,
19 "in accordance with departmental
20 "practice, to the solicitors and
21 "others in the Companies Division
22 "dealing with the incorporation of
23 "social clubs. The Deputy Minister
24 "requested in this memorandum that
25 "all members of the Companies
26 "Division, when dealing with applica-
27 "tions for incorporation, with the
28 "exception of service clubs, discuss
29 "all such applications with him
30 "before the applicants were advised



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"tions for incorporation, with the
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"others in the Companies Division
"practice, to the solicitors and
"in accordance with departmental
"out the above policy was forwarded,
"1950 (Appendix D, item 6) setting
"A memorandum dated July 1951,
"---(page 21.)
"Appendix D, item 5."
"copy of which is attached in
"1949 from the Deputy Minister, a
"of the Department dated May 1951,
"out in a memorandum to the staff
"The policy to date was set
"which is dated March 1951, 1951:
"item 4."
"policy is set out in Appendix D,
"summarizing the then existing
"Minister (Hon. J. H. Timmins, P.C.)
"A memorandum from the
"



1 "that the Department was proceeding

2 "to engross the letters patent."

3 I pause here, Mr. Commissioner, to make
4 this point, that it is because of the settling
5 of this policy in July 1950 that it has been used
6 as the starting date of the statistics compiled
7 within this brief. That is the 11½ year
8 period referred to, going back to 1st of July,
9 1950.

10 "The effect of the new policy was

11 "as follows: ---"

12
13 --- (Page 23.)

14 THE COMMISSIONER: Just a moment. I do
15 not understand that (1):

16 "23-(1) Where the objects of a

17 "corporation, other than a corpora-

18 "tion commonly known as a service

19 "club, are in whole or in part of

20 "a social nature, the letters patent

21 "or supplementary letters patent

22 "of the corporation shall limit

23 "the location of

24 " (a) its activities

25 " (b) its club house or premises; or

26 " (c) both"

27 I should have thought ---

28 A. I refer you back, Mr. Commissioner,
29 to the activities of a flying club, a motorcycle
30 club. I think Mr. Cudney in his experience



"that the Department was proceeding

"to engross the letters patent."

I pause here, Mr. Commissioner, to make

this point, that it is because of the settling

of this policy in July 1950 that it has been used

as the starting date of the statistics compiled

within this brief. That is the 1½ year

period referred to, going back to last of July,

1950.

"The effect of the new policy was

"as follows: - - -"

---(Page 23.)

THE COMMISSIONER: Just a moment. I do

not understand that (1):

"23-(1) Where the objects of a

"corporation, other than a corpora-

"tion commonly known as a service

"club, are in whole or in part of

"a social nature, the letters patent

"of the corporation shall limit

"the location of

" (a) its activities

" (b) its club house or premises; or

" (c) its

I should have thought ---

A. I refer you back, Mr. Commissioner,

to the activities of a flying club, a motorcycle

club. I think Mr. Gudney in his experience



1 will be able to give you more examples, Mr.
2 Commissioner.

3 MR. WILSON: At the bottom of page 21.

4 THE COMMISSIONER: I recall that. That
5 is what you have in mind in any event, what
6 the Department had in mind in any event.

7 A. (Continuing to read from page 23):

8 "q. Where the objects of a
9 "corporation are in whole or in
10 "part of a social nature, the
11 "letters patent or supplementary
12 "letters patent of the corporation
13 "shall contain the following."

14
15
16
17 (Page 9190 follows)



will be able to give you more examples, Mr.

Commissioner.

MR. WILSON: At the bottom of page 21.

THE COMMISSIONER: I recall that. That

is what you have in mind in any event, what

the Department had in mind in any event.

A. (Continuing to read from page 23):

"d. Where the objects of a

"corporation are in whole or in

"part of a social nature, the

"letters patent or supplementary

"letters patent of the corporation

"shall contain the following."

(Page 9190 follows)



1 THE WITNESS: "Where the objects of a
2 "corporation are inwhole or in part of
3 "a social nature " --

4 --- (Page 24)

5 --- (Page 25)

6 --- (Page 26)

7
8 "Attached as Appendix E, Items
9 "1 and 2, are the forms of annual
10 "returns prior (as of March 31st, 1961)
11 "and subsequent (as of March 31st, 1962
12 "and thereafter)) to the above amend-
13 "ment."

14 I direct your attention, Mr. Commissioner,
15 to Appendix E. You have before you Appendix E,
16 Item 1. That is the Information and
17 Particulars as of the 31st March, 1961.

18 If you would direct your attention to
19 Paragraph H you will see the item earlier
20 referred to in the brief, the requirement
21 as to the location of the head office, giving
22 street and number, if any.

23 Then, Mr. Commissioner, I direct your
24 attention to Item 2 which is headed, "Infor-
25 mation and Particulars as of March 31, 1962".
26 This is a form that ultimately came into
27 being as a result of the decision in
28 August, 1961.

29 I direct your attention to Item H:
30 "The location of the head office, giving

"The location of the head office, giving

I direct your attention to Item H:

August, 1901.

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This is a form that ultimately came into

tion and Particulars as of March 31, 1902".

attention to Item 2 which is headed, "Infor-

Then, Mr. Commissioner, I direct your

street and number, if any.

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referred to in the brief, the requirement

Paragraph H you will see the item earlier

If you would direct your attention to

Particulars as of the 31st March, 1901.

Item 1. That is the information and

to Appendix E. You have before you Appendix E,

I direct your attention, Mr. Commissioner,

"ment."

"and thereafter) to the above amend-

"and subsequent (as of March 31st, 1902

"returns prior (as of March 31st, 1901)

"1 and 2, are the forms of annual

"Attached as Appendix E, Items

---(page 26)

---page 25)

---(page 24)

"a social nature . . . " --

"corporation are in whole or in part of

THE WITNESS: "Where the objects of a



1 street and number, if any." And then HA: "Where
2 the objects are in whole or in part of a social
3 nature, (1) the address of the premises of
4 the corporation giving the street and number,
5 if any".

6 I now revert to the brief:

7 "At the interview referred to in the
8 "first week of January, 1960 . . . " --

9 --- (Page 27)

10 "These were cases where the police
11 "did not report favourably, not
12 "because of alleged illegal gaming,
13 "but because the premises were not
14 "in compliance with municipal
15 "regulations."

16 THE COMMISSIONER: I see it is 1.00 o'clock.

17 We will resume at 2.15

18
19 ---Whereupon the hearing adjourned at 1.00 p.m.
20 until 2.15 p.m.

21
22 _____
23
24
25
26
27
28
29
30



street and number, if any." And then HA: "Where
 the objects are in whole or in part of a social
 nature, (1) the address of the premises of
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I now revert to the brief:
 "At the interview referred to in the
 "first week of January, 1960 . . ."
 --- (page 27)

"These were cases where the police
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THE COMMISSIONER: I see it is 1.00 o'clock.
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 ---Whereupon the hearing adjourned at 1.00 p.m.
 until 2.15 p.m.



1 ---On resuming at 2.20 p.m.

2 THE COMMISSIONER: You got down, Mr.

3 Yaremko, to the end of the second paragraph
4 on page 27.

5 A. Yes, Mr. Commissioner.

6 " The Departmental policy

7 "was developed that, where it

8 "appeared from police reports

9 "that there was a problem of fire

10 "hazard . . ."

11
12 --- (Page 28.)

13 " In 1954 the policy was

14 "extended to cancel a charter if

15 "the doors were barricaded even

16 "where there was no bolts and bars

17 "clause in the charter. A memorandum

18 "from the Deputy Minister to the

19 "staff dated February 10th, 1954,

20 "set out this new policy. (See

21 "Appendix D, item 9.)"

22 THE COMMISSIONER: Excuse me, Mr. Yaremko,

23 Throughout this brief you refer to "departmental

24 policy" on the one hand and "regulations" on

25 the other. Am I correct that there were

26 certain departmental policies that were not

27 embodied in the regulations?

28 A. Yes, that is correct, Mr.

29 Commissioner. I have quoted the relevant

30

---(Page 27.)

THE COMMISSIONER: You got down, Mr. Yaremko, to the end of the second paragraph on page 27.

A. Yes, Mr. Commissioner. The Departmental policy "was developed that, where it appeared from police reports "that there was a problem of fire "hazard . . ."

---(Page 28.)

" In 1954 the policy was "extended to cancel a chapter if "the doors were barricaded even "where there was no bolts and bars "clause in the charter. A memorandum "from the Deputy Minister to the "set out this new policy. (See "Appendix D, item 9.)"

THE COMMISSIONER: What was the policy?

Throughout this brief you refer to "departmental policy" on the one hand and "regulations" on the other. Am I correct that there were certain departmental policies that were not embodied in the regulations?

A. Yes, that is correct, Mr. Commissioner. I have quoted the relevant



1 sections of the Corporations Act and the only
2 regulations pertaining to the Department are
3 those which I read earlier on page 23 of the
4 brief which deal with the limitations as to
5 the location of its activities or its premises,
6 clause 1, and clause 2 about the prohibition
7 as to the Criminal Code, the bolts and bars
8 and the gambling paraphernalia.

9 THE COMMISSIONER: What is the term
10 of reference, Mr. Wilson?

11 MR. WILSON: "The Administration of
12 "the laws and regulations regarding
13 "the incorporation and operations
14 "of social clubs having regard to
15 "allegations made by the Leader of
16 "the Opposition in his speech of
17 "November 29, 1961."

18 THE COMMISSIONER: You may anticipate what
19 is going through my mind, Mr. Yaremko. The
20 terms of reference refer to the "laws and
21 regulations".

22 MR. WILSON: "The Administration of
23 the laws and regulations". If I follow the
24 witness, Mr. Commissioner, there were never
25 any regulations as such until 1954.

26 THE WITNESS: Yes, and very limited.

27 THE COMMISSIONER: This brief has to
28 do not with regulations but with internal
29 Department policy. I am just wondering about
30 that.



sections of the Corporations Act and the only regulations pertaining to the Department are those which I read earlier on page 23 of the brief which deal with the limitations as to the location of its activities or its premises, clause 1, and clause 2 about the prohibition as to the Criminal Code, the police and bars and the gambling paraphernalia.

THE COMMISSIONER: What is the term

of reference, Mr. Wilson?

MR. WILSON: "The Administration of

"the laws and regulations regarding

"the incorporation and operations

"of social clubs having regard to

"allegations made by the Leader of

"the Opposition in his speech of

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THE WITNESS: Yes, and very limited.

THE COMMISSIONER: This brief has to

do not with regulations but with internal

department policy. I am just wondering about

that.



1 MR. WILSON: I think the policy arises
2 out of the allegations of the Leader of the
3 Opposition. I mean it becomes relevant to
4 the extent that it is relevant.

5 THE COMMISSIONER: Perhaps I have not
6 made myself too clear.

7 THE WITNESS: Mr. Commissioner, you will
8 find that the Department in its brief has
9 given to clause 1 the broadest possible
10 interpretation. In fact, it amounts to the
11 operations of the Department of the Provincial
12 Secretary during that period in respect to
13 social clubs.

14 THE COMMISSIONER: Yes, but that is not
15 what is concerning me at the moment. I am
16 authorized to inquire into the administration
17 of laws and regulations. Is that the way it
18 reads, Mr. Wilson?

19 MR. WILSON: "The Administration of
20 the laws and regulations regarding the
21 incorporation and operations of social clubs."

22 THE COMMISSIONER: All right. Now
23 then, internal rules within the Department
24 that were not regulations, & it appears to me,
25 do not come within the scope of the inquiry
26 that I have been authorized to make.

27 MR. WILSON: Well, to the extent that
28 they constitute administration of the laws and
29 regulations, I would think, respectfully, Mr.
30 Commissioner, they would have some relevance.

MR. WILSON: I think the policy arises out of the allegations of the leader of the Opposition. I mean it becomes relevant to the extent that it is relevant.

THE COMMISSIONER: Perhaps I have not made myself too clear.

THE WITNESS: Mr. Commissioner, you will find that the Department in its brief has given to clause 1 the broadest possible interpretation. In fact, it amounts to the operations of the Department of the Provincial Secretary during that period in respect to social clubs.

THE COMMISSIONER: Yes, but that is not what is concerning me at the moment. I am authorized to inquire into the administration of laws and regulations. Is that the way it

reads, Mr. Wilson?

MR. WILSON: "The Administration of the laws and regulations regarding the incorporation and operations of social clubs."

THE COMMISSIONER: All right. Now then, internal rules within the Department that were not regulations, as it appears to me, do not come within the scope of the inquiry that I have been authorized to make.

MR. WILSON: Well, to the extent that they constitute administration of the laws and regulations, I would think, respectfully, Mr.

Commissioner, they would have some relevance.



1 This is the manner in which the Department
2 administered the laws and regulations.

3 THE COMMISSIONER: By making certain
4 internal rules that did not have the force of
5 regulations?

6 THE WITNESS: If I may say this, Mr.
7 Commissioner, in this particular chapter we
8 are dealing with cancellation for cause of
9 charters. Now, the Act does not spell out
10 what is sufficient cause. It uses just the
11 broad term -- I refer you back to page 16 --
12 the Act says!

13 "Where sufficient cause is shown
14 "the Lieutenant-Governor may order . . ."
15 Now, these references are describing
16 to you, sir, the ---

17 THE COMMISSIONER: What the Department
18 did with respect to defining what type of
19 conduct would constitute a cause?

20 A. Where sufficient cause is shown,
21 yes.

22 THE COMMISSIONER: All right. Will
23 you just continue, please.

24 A. "A press report at the
25 "end of December, 1959, critized
26 "the Department for not cancelling
27 "letters patent of social clubs . . ."

28
29 --- (Page 29.)

30



This is the manner in which the Department

administered the laws and regulations.

THE COMMISSIONER: Yes, sir.

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A. Where sufficient cause is shown,

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THE COMMISSIONER: All right. Will

you just continue, please.

A. "A press report at the

"end of December, 1959, criticized

"the Department for not cancelling

"letters patent of social clubs . . ."

---(Page 19)---



1 --- (Page 30.)

2 --- (Page 31.)

3 " To the knowledge of the
4 " Department, the Attorney-General
5 " of Canada (who is of course also
6 " the Minister of Justice) has to
7 " date applied to the court for a
8 " writ of scire facias with respect
9 " to a social club on only two
10 " occasions, the first being with
11 " respect to the Hellenic Colonization
12 " Association mentioned supra, which
13 " was granted in 1946, and the second
14 " being with respect to the Ramsay
15 " Club in respect of which the scire
16 " facias proceedings are, as of this
17 " date, still pending in the court."

18 THE COMMISSIONER: That would be amended
19 as of now, of course?

20 A. This means as of March 19th, 1962,
21 of course, the time of the preparation of
22 this brief. Since that date, of course,
23 those proceedings have been completed.

24 "Corporations incorporated in other
25 " provinces not having gain for any
26 " of their objects . . . (Reading) . . .
27 "He was concerned with social clubs
28 "not properly screened in the Province
29 "of incorporation coming into Ontario
30



---(Page 21.)

---(Page 21.)

"To the knowledge of the
 "Department, the Department
 "of Canada (who is of course also
 "the Minister of Justice) has to
 "date applied to the court for a
 "writ of *certiorari* with respect
 "to a social club on only two
 "occasions, the first being with
 "respect to the Hellenic Colonization
 "Association mentioned *supra*, which
 "was granted in 1945, and the second
 "being with respect to the Ramazay
 "Club in respect of which the *certiorari*
 "has proceedings are, as of this
 "date, still pending in the court."

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 "He was concerned with social clubs
 "not properly screened in the Province
 "of incorporation coming into Ontario



1 "and operating in this Province
2 "when they could not obtain letters
3 "patent in Ontario."

4 THE COMMISSIONER: That difficulty could
5 be overcome by provincial legislation, couldn't
6 it? After all, you are masters in your own
7 house.

8 A. I am not in a position to
9 answer, Mr. Commissioner. I would take that
10 under advisement and give you the opinion of
11 the Department.

12 Q. I shouldn't think there would be
13 much doubt about it.

14 A. Under the present legislation ---

15 Q. You haven't had to face up to
16 that problem; there have not been any social
17 clubs incorporated in other provincial juris-
18 dictions?

19 A. Not to my knowledge. I revert
20 back to the first sentence of the last paragraph:

21 "Corporations incorporated in
22 "other provinces not having gain for
23 "any of their objects are not
24 "required to obtain an extra-
25 "provincial licence to operate in
26 "Ontario."

27 That is under the statutes as they are
28 today, Mr. Commissioner. They can come in
29 and we have no regulatory power in that
30 respect. We have, of course, in respect of

respect. We have, of course, in respect of

and we have no regulatory power in that

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THE COMMISSIONER: That difficulty could

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1 the filing of returns under the Corporations
2 Information Act.

3 "XI -- ANALYSIS OF MR. WINTERMEYERS
4 SPEECH

5 " In this chapter will be

6 "considered the speech of Mr. Winter-

7 "meyer commenting at the bottom

8 "paragraph of the left hand column

9 "of page 89 of Hansard . . ."

10 And that, of course, Mr. Commissioner, has
11 already been filed as an exhibit before you.

12 ". . . to the bottom right hand

13 "column of page 100 . . ."

14 --- (Page 32.)

15 "From time to time it will be

16 "necessary either in the brief

17 "or Appendices to refer to and

18 "quote from these 'O' files."

19
20 (Page 9199 follows)



the filing of returns under the Corporations

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"XI -- ANALYSIS OF MR. WINTERMEYER'S

" In this chapter will be

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"paragraph of the left hand column

"of page 89 of Hansard . . . "

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already been filed as an exhibit before you.

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"column of page 100 . . . "

---(page 32.)

"From time to time it will be

"necessary either in the brief

"or Appendices to refer to and

"quote from these 'O' files."

(Page 9199 follows)



1 Before I proceed, Mr. Commissioner, not
2 to file as an exhibit but in order perhaps
3 to give you a visual idea of what the
4 filings are like, I have before me the
5 filings appertaining to the Abitibi Golf Club,
6 which I took because it is the first one
7 listed in Appendix F.

8 Now, Mr. Commissioner, I have in my left
9 hand what is known as the company file, which
10 is the public file. In it will be shown
11 the original application and the correspondence
12 dealing with the original application, a copy
13 of the letters patent, the annual returns
14 filed from year to year. If there were
15 supplementary letters patent issued, they would
16 be in the public file. If there were an
17 order reviving the corporate existence, it
18 would be in the company public file. If
19 there were an order reviving corporate
20 power, it would be in the company file. If
21 there were an order of cancellation, it
22 would be in the company public file. This
23 is that (indicating). It is marked with
24 the letter "C", and the number of the file,
25 and as the different corporations, some
26 65,000 in the province, are dealt with they
27 all have this company file.

28 In addition there is what is known as
29 the "O" files. They are the confidential
30 files. These are not in the public office.

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Before I proceed, Mr. Commissioner, not



1 They are matters of internal affairs of the
2 Department. And it is in the "O" files, the
3 confidential files, where there appear the
4 police reports, reports of other government
5 agencies, in respect to inquiries carried
6 on by the Department apart from the
7 company files.

8 I produce it not to file as an exhibit.
9 You may have occasion during the course of
10 the hearing to actually deal with specific
11 files. I produce it at this point to give
12 you a visual understanding of the situation.

13 I should also like to bring to your
14 attention, these matters which would be on
15 file in the company file, the public file,
16 also appear in the Ontario Gazette. I am
17 going to file as exhibits, and perhaps I
18 could file them all as one exhibit, these
19 copies of the Ontario Gazette. One is the
20 Ontario Gazette of Saturday, January 16th,
21 1960, which is the Notice of Incorporation
22 of the Abthurst-Sheppard Social and Athletic
23 Club Incorporated.

24 I don't know how long it has been, Mr.
25 Commissioner, since you have had an opportunity
26 to read an Ontario Gazette but that sets out
27 the details of public notice of the issuance
28 of such letters patent.

29 THE COMMISSIONER: Is it necessary to
30 clutter up the record by filing the Gazettes?



They are matters of internal affairs of the Department. And it is in the "O" files, the confidential files, where there appear the police reports, reports of other government agencies, in respect to industries carried on by the Department apart from the company files.

I produce it not to file as an exhibit. You may have occasion during the course of the hearing to actually deal with specific files. I produce it at this point to give you a visual understanding of the situation. I should also like to bring to your attention these matters which would be on file in the company file, the public file, also appear in the Ontario Gazette. I am going to file as exhibits, and perhaps I could file them all as one exhibit, these copies of the Ontario Gazette. One is the Ontario Gazette of January 1960, which is the Notice of Incorporation of the Abnash-Shepard Social and Athletic Club Incorporated.

I don't know how long it has been, Mr. Commissioner, since you have had an opportunity to read an Ontario Gazette but that sets out the details of public notice of the issuance of such letters patent.

THE COMMISSIONER: Is it necessary to clutter up the record by filing the Gazette?



1 If you simply said that when letters patent have
2 been granted, notice there of has always been
3 published in the Ontario Gazette, that
4 should suffice.

5 A. I do not intend to clutter up the
6 record, Mr. Commissioner. I again wanted to
7 give you a visual idea of it. I can leave
8 them without filing them. I can leave them
9 with the Commission counsel.

10 Q. That would be quite sufficient,
11 if they are available here.

12 A. Then there is a copy of the
13 Notice of Revival of Corporate Powers. That
14 is in conjunction not with a social club. We
15 couldn't find one of recent date. It is in
16 relationship to the Grimsby Recreation
17 Company Limited, a corporation.

18 Then there is a notice of -- a whole
19 series of notices of cancellation for failure
20 to file annual returns. There are several
21 pages of those, Mr. Commissioner.

22 Then a notice of change in Directors.

23 Then a notice of issuance of
24 supplementary letters patent.

25 Then a notice of the change of head
26 office, which is required to be filed, moving
27 from one municipality to another.

28 Then notice of the cancellation for
29 cause. In this instance it is of the
30 Bathurst-Sheppard Athletic and Social Club

If you simply said that when letters patent have been granted, notice thereof has always been published in the Ontario Gazette, that should suffice.

A. I do not intend to clutter up the record, Mr. Commissioner. I again wanted to give you a visual idea of it. I can leave them without filing them. I can leave them when the Commissioner wants.

Q. That would be quite sufficient, if they are available here.

A. Then there is a copy of the Notice of Revival of Corporate Powers. That is in conjunction not with a social club. We couldn't find one of recent date. It is in relationship to the Grimby Recreation Company Limited, a corporation.

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Then a notice of issuance of supplementary letters patent. Then a notice of the change of head office, which is required to be filed, moving from one municipality to another.

Then notice of the cancellation for cause. In this instance it is of the Bathurst-Sheppard Athletic and Social Club



1 Incorporated. I will leave these with counsel.
2 It is just to illustrate the public knowledge
3 of these items.

4 MR. WILSON: Proceeding with Chapter 1,
5 pages 33 to 93, the reference to Hansard appears
6 on the left hand side. I propose to have
7 Mr. Carthy read the reference to Hansard
8 following which the witness will give his
9 answer on those portions of the speech that
10 he feels there is an answer called for.

11 In so doing, Mr. Commissioner, Mr. Carthy
12 will, before mentioning a particular reference,
13 say, "Start relevant", and at the conclusion
14 say "Stop", so that there will be on the
15 record a clear indication of the fact that
16 that is the portion of the transcript in
17 Hansard.

18 THE COMMISSIONER: May I see the copy
19 of Hansard that has been filed as an exhibit,
20 Exhibit 3? (Produced)

21 MR. WILSON: I will check these as Mr.
22 Carthy reads them to be sure they are
23 correctly reproduced.

24 THE COMMISSIONER: Why make this sort
25 of a duet? Why cannot the witness simply
26 say, "Mr. Commissioner, at the bottom of
27 page 89 you will find the following which
28 appears in the left hand column of the brief",
29 and then read it, and say, "Now, this is my
30 reply"?



Incorporated. I will leave these with counsel.
It is just to illustrate the public knowledge
of these items.

MR. WILSON: Proceeding with Chapter I,
pages 33 to 35, the reference to Harnard appears
on the left hand side. I propose to have
Mr. Garth read the reference to Harnard
following which the witness will give his
answer on those portions of the speech that
he feels there is an answer called for.

In so doing, Mr. Commissioner, Mr. Garth
will, before mentioning a particular reference,
say, "start relevant", and at the conclusion
say "stop", so that there will be on the
record a clear indication of the fact that
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say, "Mr. Commissioner, at the bottom of
page 89 you will find the following which
appears in the left hand column of the brief",
and then read it, and say, "Now, this is my

reply



1 MR. WILSON: Well, he could easily do that,
2 though possibly for those who are listening to
3 this evidence it will be rather difficult to
4 follow.

5 THE COMMISSIONER: Why?

6 MR. WILSON: Because they will not have
7 before them either a copy of the brief or a
8 copy of Hansard.

9 THE COMMISSIONER: Well, let us try my
10 suggestion and see how it works out.

11 THE WITNESS: Mr. Commissioner, I was
12 just wondering if I have made it clear that
13 on the left hand side is reproduced all of
14 Hansard continuously from one point to
15 another. It was my suggestion to Mr. Wilson
16 that since all of it has been reproduced but
17 only portions of it have comments to be
18 made on it, that if I were assisted by having
19 Mr. Carthy read those portions which he will
20 preface with the words "Start relevant"
21 and end "Stop", then I can make my comments.
22 He will proceed then to read Hansard and you
23 will be in a position to follow it and decide
24 whether some portion which the brief has
25 deemed not relevant should have been made
26 relevant. He would read all of Hansard as
27 to that portion but bracket the portion
28 which I have marked for him, which the
29 Department will be making a comment on.

30 I very respectfully submit that that



MR. WILSON: Well, he could easily do that, though possibly for those who are listening to this evidence it will be rather difficult to

follow.

THE COMMISSIONER: Why?

MR. WILSON: Because they will not have before them either a copy of the brief or a copy of Hansard.

THE COMMISSIONER: Well, let us try my suggestion and see how it works out.

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I very respectfully submit that that



1 will be of assistance to me in presenting my
2 comments on the right hand side." Of course,
3 I am subject to your ruling, Mr. Commissioner.
4 I don't know whether we have made it clear
5 to you.

6 THE COMMISSIONER: Is it proposed that
7 Mr. Carthy would, for example, stop at the
8 bottom of the left hand column on page 89
9 and read from there to the end of the speech?

10 MR. WILSON: Oh, no, Mr. Commissioner.
11 Possibly I have not made myself clear. If
12 you have before you page 33 of the brief
13 which is filed ---

14 THE COMMISSIONER: I have.

15 MR. WILSON: --- he will merely read
16 that portion that appears in the left
17 hand column on page 33, following which the
18 witness would give his answer to that
19 particular allegation.

20 THE COMMISSIONER: I suggested that
21 the witness can read that part.

22 MR. WILSON: Well, I think the only
23 thing was maybe that he has a lot of reading
24 and it might just help him.

25 THE COMMISSIONER: Well, let us try
26 my suggestion anyhow.

27 THE WITNESS: May I have the copy which
28 I presented to Mr. Carthy? (Produced)

29 At the top left of page 33 Mr. Wintermeyer
30 said as follows:

will be of assistance to me in presenting my
comments on the right hand side. Of course,
I am subject to your ruling, Mr. Commissioner.
I don't know whether we have made it clear
to you.
THE COMMISSIONER: Is it proposed that
Mr. Carthy would, for example, stop at the
bottom of the left hand column on page 89
and read from there to the end of the speech?
Possibly I have not made myself clear. If
you have before you page 38 of the brief
which is filed ---
MR. WILSON: --- he will merely read
that portion that appears in the left
hand column on page 38, following which the
witness would give his answer to that
question.
THE COMMISSIONER: I suggested that
the witness can read that part.
MR. WILSON: Well, I think the only
thing was maybe that he has a lot of reading
and it might just help him.
THE COMMISSIONER: Well, let us try
my suggestion anyhow.
THE WITNESS: May I have the copy which
I presented to Mr. Carthy? (Produced)
At the top left of page 38 Mr. Wintermyer
said as follows:



1 "Between 1957 and the middle of this
2 "year, Mr. Speaker, that is a period
3 "of four and a half years, 31 so-called
4 "social clubs lost their charters as a
5 "result of illegal gambling in
6 "Metropolitan Toronto." Yet at the
7 "end of this period there were still
8 "24 clubs in Metro area suspected of
9 "illegal gambling by the police."

10
11
12 (Page 9206 follows)



"Between 1927 and the middle of this
year, Mr. Speaker, that is a period
of four and a half years, 31 so-called
social clubs lost their charters as a
result of illegal gambling in
Metropolitan Toronto. Yet at the
end of this period there were still
24 clubs in Metro area suspected of
illegal gambling by the police."

(Page 2506 follows)



1 Then, Mr. Commissioner, turning to
2 the comment in the right hand column:

3 "Mr. Wintermeyer alleges that on
4 "June 30th, 1961 'there were still
5 "24 clubs in Metro area suspected
6 "of illegal gambling by the police.' ---"

7 THE COMMISSIONER: This is your answer?

8 A. This is my answer, yes.

9 Q. Go ahead.

10 A. "This statement would imply to
11 the public that this Department had not dealt
12 with 24 clubs"

13 --- (Page 33.)

14 of the "Sun Sun Social Club,

15 "Tai Dan Social Club"

16 THE COMMISSIONER: Just a moment. What
17 do you mean "through Commission counsel he
18 has produced the following list of 24 clubs"?

19 MR. WILSON: Mr. Commissioner, in
20 preparation for these hearings I had meetings
21 with Mr. MacKinnon and in view of the statement
22 in the speech that there were 24 clubs in
23 the Metro area suspected of illegal gambling
24 by the police, I asked him for particulars
25 of those clubs. There are certain clubs
26 named in the speech. These were not identified
27 as such in the speech. Accordingly, I
28 asked him for the particulars. He gave the
29 particulars to me and in turn I have submitted
30



Then, Mr. Commissioner, turning to

the comment in the right hand column:

"Mr. Wintermeyer alleges that on

"June 30th, 1961 'there were still

"24 clubs in Metro area suspected

"of illegal gambling by the police.' ---"

THE COMMISSIONER: This is your answer?

A. This is my answer, yes.

Q. Go ahead.

A. "This statement would imply to

the public that this Department had not dealt

with 24 clubs . . ."

---(page 11.)

"Sun Sun Social Club,

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of those clubs. There are certain clubs

named in the speech. These were not identified

as such in the speech. Accordingly, I

asked him for the particulars. He gave the

particulars to me and in turn I have submitted



1 those particulars to the Provincial Secretary's
2 Department, so that we could deal with them
3 here.

4 THE COMMISSIONER: Well then, when Mr.
5 Yaremko says "through Commission counsel he
6 has produced", he has produced to the Provincial
7 Secretary?

8 MR. WILSON: Well, Mr. MacKinnon produced
9 the names to me at my request, and through
10 Commission counsel -- I take it he means by
11 that that I produced the names of the clubs
12 given to me by Mr. MacKinnon to Mr. Yaremko.

13 THE COMMISSIONER: Well, I have never
14 heard of them before. I have heard of some
15 of them but a lot of them I have never heard
16 of before. The way this reads it would
17 appear that Commission counsel had produced
18 as part of the record in the proceedings before
19 me a list of 24 clubs.

20 MR. WILSON: No, they have not been
21 produced or referred to up until today.

22 THE COMMISSIONER: All right then, we
23 have that explanation of what that language
24 means.

25 THE WITNESS: "The Department does
26 "not know whether in fact there were
27 "on June 30th, 1961, 24 clubs in
28 "Metro Toronto suspected by the police
29 "of illegal gambling. . . ."



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THE WITNESS: "The Department does

"not know whether in fact there were

"on June 30th, 1961, 24 clubs in

"Metro Toronto suspected by the police

"of illegal gambling. . . ."



1 " The status of each of the
2 "clubs set out in Sections I and
3 "II supra as of June 30th, 1961,
4 "November 29, 1961, December 11, 1961,
5 "and March 19, 1962, is indicated
6 "in the Table opposite."

7 Mr. Commissioner, if you will pull the
8 fold out you will see on the left hand side
9 the first nine and the second thirteen. They
10 are named and listed there.

11 Now, on the right hand side of the sheet
12 you will see a listing: "Status as of June
13 30, 1961." That is the middle of the year
14 1961. "Status as of November 29, 1961. Status
15 as of December 11, 1961. Status as of March
16 19, 1962".

17 Then there is reference to the names
18 of the various clubs:

19 "1. Acme Card and Social Club --

20 "cancellation letter sent. (June

21 "30, 1961) -- hearing called.

22 "(November 29, 1961) -- hearing called

23 "(December 11, 1961)."

24 Then, Mr. Commissioner, as of March 19th,
25 1962, it was cancelled.

26 "q. Bellevue Bridge and Social

27 "Club -- hearing called - proceedings

28 "pending before court (June 30, 1961). . ."

29 THE COMMISSIONER: What was the nature
30 of the proceedings?



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"Hearing before court (June 30, 1961)..."

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"The status of each of the



1 A. I will be dealing with those in
2 great detail when we come to it, Mr. Commissioner.

3 Q. Tell me briefly at the moment
4 what they were.

5 A. That is in relation to conspiracy,
6 I believe.

7 Q. Some criminal proceedings?

8 A. Yes.

9 MR. WILSON: There is a criminal charge
10 pending.

11 THE WITNESS: We will be dealing with
12 that in greater detail in the brief later on.

13 MR. WILSON: There has been a conviction,
14 Mr. Commissioner. I am not sure whether there
15 is an appeal pending. I will get the
16 information on that.

17 THE COMMISSIONER: Was it a conviction
18 of the club?

19 MR. WILSON: I would like to be exact
20 about the answer I give you, so I think it
21 will be necessary to wait for that.

22 THE WITNESS: On page 42 of the brief
23 you will see that we deal in some detail with
24 the Bellevue Bridge and Social Club. That
25 is mentioned there.

26 THE COMMISSIONER: All right.

27 THE WITNESS: "3. Club Bernard --

28 "cancellation letter sent (June 30,

29 "1961) - cancelled (November 29, 1961).
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great detail when we come to it, Mr. Commissioner.

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the Bellevue Bridge and Social Club. That

is mentioned there.

THE COMMISSIONER: All right.

THE WITNESS: "3. Club Bernard --

"Commissioner David W. (1961)

"1961) - cancelled (November 29, 1961).



- 1 "4. Club Macedonia, Toronto --
- 2 "cancellation letter sent (June
- 3 "30, 1961) -- hearing completed
- 4 "(November 29, 1961) -- cancelled
- 5 "December 11, 1961).
- 6 "5. Community Social Club --
- 7 "hearing not completed (June 30,
- 8 "1961) -- cancelled (November 29,
- 9 "1961).
- 10 "6. Macedonian Liberal Social Club -
- 11 "-- hearing not completed (June 30,
- 12 "1961) -- cancelled (November 29,
- 13 "1961).
- 14 "7. New Canadians Social Club --
- 15 "cancellation letter sent -- appeal
- 16 "pending (June 30, 1961) -- appeal
- 17 "pending (November 29, 1961) --
- 18 "appeal pending (December 11, 1961)
- 19 "-- cancelled (March 19, 1962).
- 20 "8. The Omega Club -- cancellation
- 21 "letter directed to be sent (June
- 22 "30, 1961) -- cancelled (November
- 23 "29, 1961).
- 24 "9. The Preston Amateur, Athletic
- 25 "and Social Club of Ottawa --
- 26 "hearing called (June 30, 1961) --
- 27 "hearing completed (November 29,
- 28 "1961) -- cancelled (December 11, 1961)."
- 29 Those are the nine in respect of which,
- 30 as of the 30th of June complaints had been

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1 received by the Department, and this outlines
2 the action taken. Part II is the clubs in
3 respect of which no complaints had been
4 received by the Department on the 30th of June,
5 1961.

6 --- (The witness reads Part II on page 35)

7
8 With respect, Mr. Commissioner, to the
9 Somerset Club and Sun Sun Social Club, I must
10 say that some of these clubs having been
11 mentioned in the speech will be dealt with
12 in some detail later on.

13 "With respect to Somerset Club

14 "and Sun Sun Social Club, these

15 "two clubs are discussed infra"

16
17 --- (Page 36.)

18 "Accordingly, the application for

19 "the consent was refused in each

20 "case, but in both cases the

21 "Department was of the opinion

22 "that there was not sufficient

23 "cause to cancel the letters patent

24 "on the basis of the reports of

25 "the police."

26 Now, Mr. Commissioner, I refer to the
27 left hand side of page 36 where Mr. Wintermeyer
28 stated:

29 " I am informed that of the

30 "31 cancellations, 23 resulted from



received by the Department, and this outlines
the action taken. Part II is the clubs in
respect of which no complaints had been
received by the Department on the 30th of June,
1961.

---(The witness reads Part II on page 35)

With respect, Mr. Commissioner, to the
Somerset Club and Sun Sun Social Club, I must
say that some of these clubs have been
mentioned in the speech will be dealt with
in some detail later on.

"With respect to Somerset Club
"and Sun Sun Social Club, these
"two clubs are discussed infra . . ."

---(page 36.)

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"the consent was refused in each
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---(The witness reads)

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1 get that. I thought it was in this brief
2 but it does not appear to be.

3 THE WITNESS: They are not dealt with
4 by name.

5 THE COMMISSIONER: Well, we will get
6 them on the record now, Mr. Yaremko.

7 MR. WILSON: Mr. Greer points out, Mr.
8 Commissioner, that a copy of this letter was
9 addressed to you as well as to myself. The
10 list, a copy of which I now have, is as follows --
11 it is headed: "Chartered Social Clubs" and
12 it reads:

13 "(a) Charters cancelled January 1,
14 "1957, to December 31, 1957:

15 " (a) Cancelled as a result of

16 " convictions for betting

17 " and/or ~~gaming~~ gaming:

18 "1. Springburn Club, 1764 St. Clair

19 " Avenue West, (gaming)

20 " (b) Cancelled as a result of

21 " adverse reports submitted -- nil.

22 "Charters cancelled January 1, 1958,

23 "December 31, 1958 ---"

24 THE COMMISSIONER: What are you reading
25 from?

26 MR. WILSON: I am reading from the
27 first page of the document I trust Mr. Carthy
28 has given you a copy of.

29 THE COMMISSIONER: The one handed to me
30 is unlike that.



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" convictions for betting

" and/or gambling gaming;

" 1. Chartered Clubs, 1957 to 1957

" (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yy) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)

" (b) Cancelled as a result of

" adverse reports submitted -- nil.

"December 31, 1958 ---"

THE COMMISSIONER: What are you reading

MR. WILSON: I am reading from the

first page of the document I trust Mr. Carthy

has given you a copy of.

THE COMMISSIONER: The one handed to me

is unlike that.



1 MR. WILSON: I asked him to hand you
2 a copy of what I was reading.

3 MR. CARTHY: I am sorry; that is page
4 2.

5 MR. WILSON: Yes, I think what he has
6 done, Mr. Commissioner, is given you page 2
7 of the document from which I am reading
8 naturally page 1.

9 THE COMMISSIONER: All right.

10 MR. WILSON: (Reading):

11 "Charters cancelled January 1, 1958,

12 "to December 31, 1958:

13 "(a) Cancelled as a result

14 " of convictions for betting

15 " and/or gaming:

16 "1. D'Arcy Athletic Club, 264 Yonge

17 " Street, (gaming).

18 "2. Montcalm Amateur Athletic

19 " Association, 1289 Bloor Street

20 " West, (gaming conviction in Ottawa,

21 " location of head office).

22 " (b) Cancelled as a result of

23 " adverse reports submitted - nil.

24 "Charters cancelled January 1, 1959

25 "to December 31, 1959:

26 " (a) Cancelled as a result of

27 " convictions for betting

28 " and/or gaming:

29 " Dorchester Club of Picton,

30 " 111½ King Street West,

MR. WILSON: I asked him to hand you

a copy of what I was reading.

MR. CARTHY: I am sorry; that is page

MR. WILSON: Yes, I think what he has

done, Mr. Commissioner, is given you page 2

of the document from which I am reading

naturally page 1.

THE COMMISSIONER: All right.

MR. WILSON: (continues)

"Charters cancelled January 1, 1958,

"to December 31, 1958:

" (a) Cancelled as a result

" of convictions for betting

" and/or gaming:

"1. D'Arcy Athletic Club, 254 Yonge

" Street, (continues).

"2. Montreal Amateur Athletic

" Association, 1155 Avenue

" West, (gaming conviction in Ottawa,

" location of head office).

" (b) Cancelled as a result of

" adverse reports submitted - nil.

"Charters cancelled January 1, 1959

"to December 31, 1959:

" (a) Cancelled as a result of

" convictions for betting

" and/or gaming:

"Dorchester Club of Fiction,

" 1111 King Street East,



1 "Portugese Canadian Association
2 "of Toronto, 274 College Street,
3 "Union Jack Social Club, 1601
4 "Dundas Street West,
5 "Jan Loi Social Club (operating
6 "under Iroquois Amusement Parlour)
7 "of Ansonville, 121 Dundas Street
8 "West,
9 "Total - 4.
10 "(b) Cancelled for cause as a result
11 "of reports submitted -- nil.
12 "Charters cancelled January 1, 1960
13 "to December 31, 1960:
14 "(a) Cancelled as a result of
15 "convictions for betting and/or
16 "gaming:
17 "Athene Bridge Club and Branch,
18 "799 Dundas Street West and
19 "3681A Bathurst Street.
20 "Feno Club, 201½ Beverley Street.
21 "Finnish Social Club of Timmins
22 "and Branch, 132-Sixth Street,
23 "New Toronto, and 1595 Lake Shore
24 "Road, New Toronto."

25 Then, Mr. Commissioner, on page 2:

26 "Chartered social club

27 "(a) Cancelled as a result of -- "

28 THE COMMISSIONER: "Well, it is just a
29 continuation.

30 MR. WILSON: Yes, it is a continuation of

MR. WILSON: Yes, it is a continuation of

Continuation.

THE COMMISSIONER: Well, it is just a

" (a) Cancelled as a result of " "

"Chartered social club

Then, Mr. Commissioner, on page 2:

" Road, New Toronto."

" New Toronto, and 1535 Lake Shore

" and Branch, 132-21st Street,

" Finnish Social Club of Timmins

" Feno Club, 201 1/2 Beverley Street.

" 1511 Lakeshore Avenue.

" 799 Dundas Street West and

" Ashene Bridge Club and Branch,

" 1511 Lakeshore Avenue.

" convictions for betting and/or

" (a) Cancelled as a result of

"to December 31, 1960:

"Charters cancelled January 1, 1960

" of reports submitted -- nil.

" (b) Cancelled for cause as a result

" Total - 4.

" West,

" of Ansonville, 121 Dundas Street

" under Toronto's Amusement Parlour)

" Jan Lot Social Club (operating

" Dundas Street West,

" Union (see Social Club, 1901

" of Toronto, 274 College Street,

" 1511 Lakeshore Avenue.



1 what I am reading for that period.

2 "Garden Centre Recreation Club,

3 "3015 Bathurst Street.

4 "Independent Christian Association,

5 "335 Euclid Avenue.

6 "Kells Club, 1201A St.Clair Avenue

7 "West.

8 "Spadina Card and Social Club, 560

9 "King Street West.

10 "St.Patrick's Recreatinal Club, 41

11 "Clinton Street.

12 "Twin City Social Club, 99½ + 7th

13 "Street, -New Toronto.

14 "West End Bridge and Social Club,

15 "1284 Queen Street West.

16 "Central Recreation Club (appeal),

17 "249 Victoria Street.

18 "Jordan Club and Branch, 104 Adelaide

19 "Street West and 881 Eglinton Avenue

20 "West.

21 "Glenbrook Country Club, 799 Dundas

22 "Street West.

23 "Sorauren Club, 280 Yonge Street.

24 "Total - 14.

25 " (b) Cancelled for cause as a

26 " result of reports submitted:

27 "Border City Rendevous Club, Dundas

28 "Highway, Toronto Township, Ontario.

29 "Centre Road Veterans Club, Centre

30 "Road, Cooksville, Ontario.



| | |
|----|---------------------------------------|
| 1 | what I am reading for that period. |
| 2 | "Garden Centre Recreation Club, |
| 3 | "3015 Bathurst Street. |
| 4 | "335 Euclid Avenue. |
| 5 | "Kells Club, 1201A St. Clair Avenue |
| 6 | "West. |
| 7 | "Spadina Gard and Social Club, 560 |
| 8 | "St. Patrick's Recreational Club, 41 |
| 9 | "Twin City Social Club, 99 1/2 - 7th |
| 10 | "West End Bridge and Social Club, |
| 11 | "1284 Queen Street West. |
| 12 | "249 Victoria Street. |
| 13 | "Jordan Club and Branch, 104 Adelaide |
| 14 | "Street West and 881 Eglinton Avenue |
| 15 | "West. |
| 16 | "Glenbrook Country Club, 799 Dundas |
| 17 | "Somerset Club, 280 Yonge Street. |
| 18 | "Total - 14. |
| 19 | "(b) Cancelled for cause as a |
| 20 | "result of reports submitted: |
| 21 | "Border City Banquet Club, Dundas |
| 22 | "Highway, Toronto Township, Ontario. |
| 23 | "Centre Road Veterans Club, Centre |
| 24 | "Toronto, Ontario. |



"Colombia Bridge Club, 372½

"Yonge Street.

"Nottawa Community Club, 1601

"Dundas Street West.

"Thames River Hunt and Shooting

"Club, Dundas Highway, Toronto,

"Township, Ontario.

"Greek Canadian Social Club, 1289

"Bloor Street West.

"Divion Club, 1284 Queen Street

"West,---" I will be

THE COMMISSIONER: That was also the
address of the West End Bridge and Social
Club.

MR. WILSON: That is right, Mr. Commissioner.

"Riverside Yacht Club, Dundas

"Highway, Toronto Township, Ontario.

"Total - 8.

"Grand Total - 22."

Then on the third page, Mr. Commissioner:

"Charters cancelled January 1, 1960

"to May 15, 1961:

"(a) Cancelled as a result of

"convictions for betting and/or

"gaming

"1. Lakeview Athletic Club, 2016A

"Bathurst Street - (betting).

"2. Clarion Club, 501 Yonge Street,

"(betting)."

THE COMMISSIONER: All right.



"Colony Club, 1911

"Yonge Street,

"Nottawa Community Club, 1601

"Dundas Street, 1881

"Thomas River Hunt and Shooting

"Club, Dundas Highway, Toronto

"Township, Ontario.

"Greek Canadian Social Club, 1889

"Bloor Street West.

"Divion Club, 1884 Queen Street

"West ---

THE COMMISSIONER: That was also the

address of the West End Bridge and Social

Club.

MR. WILSON: That is right, Mr. Commissioner.

"Riverdale Yacht Club, Dundas

"Highway, Toronto Township, Ontario.

"Total - 8.

"Grand Total - 22."

Then on the third page, Mr. Commissioner:

"List of cancelled permits, 1911

"So far as 1911, 1912:

" (a) Cancelled as a result of

" convictions for betting and/or

" gaming

"1. Lakeview Athletic Club, 2018A

"Bathurst Street - (betting).

"2. Clarion Club, 501 Yonge Street,

"(betting)."

THE COMMISSIONER: All right.



1 MR. WILSON: That is the list. Perhaps,
2 Mr. Commissioner, you would like to have a
3 copy of that list filed.

4 THE COMMISSIONER: No, you have read it
5 into the record. That is good enough.

6 THE WITNESS: Mr. Commissioner, I bring
7 to your attention perhaps at this point that
8 my comments at this time do not deal with
9 clubs by name. You have had read into the
10 record a certain list which was produced by
11 Mr. MacKinnon. I just bring to your attention
12 Appendix K. I will be going into it in more
13 detail later on, but I just want to bring it
14 to your attention and remind you of the
15 awareness of it because -- I am sorry,
16 Appendix J. That is the cancelled club
17 charters.

18 THE COMMISSIONER: Yes.

19 THE WITNESS: You will see an index
20 dealing with the clubs which have been cancelled
21 from the first day of July, 1950. They are
22 set out in chronological order and then in
23 alphabetical order and then summarized.
24 Those clubs, the names of which have been
25 read into the record, will be appearing, and
26 the particulars given in Appendix J, and
27 also in Appendix K where there is Chief
28 Mackey's list, the list of complaints that
29 he has made.

30 My comment at this point in dealing with

My comment at this point in dealing with

Mackey's list, the list of complaints that

also in Appendix K where there is Chief

the particulars given in Appendix J, and

read into the record, will be appearing, and

Those clubs, the names of which have been

alphabetical order and then summarized.

set out in chronological order and then in

from the first day of July, 1950. They are

dealing with the clubs which have been cancelled

THE WITNESS: You will see an index

THE COMMISSIONER: Yes.

Appendix J. That is the cancelled club

awareness of it because -- I am sorry,

to your attention and remind you of the

detail later on, but I just want to bring it

Appendix K. I will be going into it in more

Mr. MacKinnon. I just bring to your attention

record a certain list which was produced by

clubs by name. You have had read into the

my comments at this time do not deal with

to your attention perhaps at this point that

THE WITNESS: Mr. Commissioner, I bring

into the record. That is good enough.

THE COMMISSIONER: No, you have read it

copy of that list filed.

Mr. Commissioner, you would like to have a

MR. WILSON: That is the list. Perhaps,



1 some figures that he is suing and the statements
2 that he is making.

3 THE COMMISSIONER: He says there were
4 31 cancellations?

5 A. That's right.

6 Q. You say 39?

7 A. He says 31 cancellations, 23
8 resulting from court convictions for either
9 gaming or betting and 8 from police
10 representations to the Honourable Provincial
11 Secretary, and he exercised his discretionary
12 power to cancel when there is good reason to
13 believe that the charter is being used for
14 illegal gaming. That is a whole sentence.
15 Our comment follows on the right hand side.

16 Q. Well, you break it down.

17 A. Yes, we break the statistics
18 down.

19 Q. So that I may be clear about it ---

20 A. If you were to read the left
21 hand side, the statement, it implies that 31
22 cancellations were made and the reason for
23 cancellation was that they were being used
24 for illegal gaming. On the right hand side
25 we give the true total, which states that
26 the letters patent -- that the Department
27 cancelled within Metropolitan Toronto the
28 letters patent of the 31 corporations listed
29 by Mr. Wintermeyer for the Commission which
30 list includes two corporations not with social



some figures that he is using and the statements that he is making.

THE COMMISSIONER: He says there were

31 cancellations?

A. That's right.

Q. You say 39?

A. He says 31 cancellations, 23

resulting from court convictions for either

gaming or betting and 8 from police

representations to the Honourable Provincial

Secretary, and he exercised his discretionary

power to cancel when there is good reason to

believe that the charter is being used for

illegal gaming. That is a whole sentence.

Our comment follows on the right hand side.

Q. Well, you break it down.

A. Yes, we break the statistics

down.

Q. So that I may be clear about it ---

A. If you were to read the left

hand side, the statement, it implies that 31

cancellations were made and the reason for

cancellation was that they were being used

for illegal gaming. On the right hand side

we give the true total, which states that

the letters patent -- that the Department

canceled within Metropolitan Toronto the

letters patent of the 31 corporations listed

by Mr. Wintermeyer for the Commission which

list includes two corporations not with social



1 objects plus four other corporations with
2 social objects not listed by him, making a
3 total of 35 corporations of which the causes
4 for cancellation were as follows, and there
5 we break it down:

6 "15 -- For gaming convictions,

7 " 5 -- betting convictions,

8 " 1 -- suspicion of illegal betting ---"

9 Q. Well, there are 23 there,
10 Mr. Yaremko, dealing with illegal gambling.
11 It totals 23.

12 A. Yes, then there are the
13 remainder ---

14 Q. That is the number he stated.

15 A. Yes.

16 Q. Either for gaming or betting?

17 A. Yes. Then there follows:

18 "1 -- Failure to file annual
19 "returns.

20 "2 -- Liquor convictions,

21 "2 -- Evidence of illegal gaming,

22 "3 -- Operating after corporate

23 "powers had been forfeited,

24 "5 -- Failure to produce books when
25 "required,

26 "1 -- Violation of provisions of
27 "Letters Patent.

28 " By November 29, 1961, the
29 "number cancelled was 39 and by
30 "December 11 the number was 43; by



objects plus four other corporations with
social objects not listed by him, making a
total of 35 corporations of which the causes
for cancellation were as follows, and there
we break it down:

- "15 -- For gaming convictions,
- "5 -- betting convictions,
- "1 -- suspicion of illegal betting --"

Q. Well, there are 23 there,
Mr. Yaremko, dealing with illegal gambling.
It totals 23.

A. Yes, then there are the
remainder ---
Q. That is the number he stated.

A. Yes.

A. I am not sure of the number.

A. Yes. Then there follows:

- "1 -- Failure to file annual

- "2 -- liquor convictions,

- "2 -- Evidence of illegal gaming,

- "3 -- Operating after corporate

"powers had been forfeited,

- "5 -- Failure to produce books when

- "1 -- Violation of provisions of

"By November 29, 1951, the

"number, cancelled was 39 and by

"December 11 the number was 43; by



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"March 19, 1962; the date of the
"brief, the number was 46 . . ."

Mr. Commissioner, I ask you to strike
out the word "and" and insert the word "as",
so that it reads:

". . . the number was 46 as a

"further 3 were cancelled where

"proceedings had been instituted

"prior to November 29, 1961."

Q. How many cancellations had there
been at the time the speech was made?

A. 39. As of November 29, 1961,
the number cancelled was 39.

Q. He says there were 31.

A. Yes, and he gave his reasons for
it, and we have a breakdown on the right.

Q. All right. I understand that.
Thank you.

A. Now, there are no comments in
respect of the balance on the left hand side
of page 36.

(Page 9230 follows)



"March 19, 1962, the date of the

"brief, the number was 46 . . ."

Mr. Commissioner, I ask you to strike

out the word "and" and insert the word "as",

so that it reads:

" . . . the number was 46 as a

"further 3 were cancelled where

"proceedings had been instituted

"prior to November 29, 1961."

Q. How many cancellations had there

been at the time the speech was made?

A. 39. As of November 29, 1961,

the number cancelled was 39.

Q. He says there were 31.

A. Yes, and he gave his reasons for

it, and we have a breakdown on the right.

Q. All right. I understand that.

Thank you.

A. Now, there are no comments in

respect of the balance on the left hand side

of page 36.

(Page 9230 follows)



1 Then on 37 where it states "89r", Mr.

2 Wintermeyer states:

3 "In December of 1960, when confessed

4 "gambler Max Blustein was convicted

5 "of operating the Lakeview Club on

6 "Eglinton Avenue, ---"

7 And on the right our comment is -- and this

8 is an instance where there is just a name

9 given and we are giving you particulars of

10 the status of that club:

11 "Lakeview Athletic Club incorporated

12 "under The Companies Act by Letters

13 "Patent dated August 5th, 1932.

14 "The Department received a

15 "report from The Metropolitan

16 "Toronto Police of the conviction

17 "of three persons for keeping a common

18 "betting house on the premises of

19 "the club.

20 "The Department wrote to the

21 "club advising that the charter

22 "would be cancelled for cause unless

23 "cause were shown to the contrary.

24 "No hearing was requested by

25 "the club.

26 " On March 2nd, 1961, an order

27 "was made cancelling the charter

28 "for cause."

29 Then where the figure is "90 1" on the

30 left:



Then on 37 where it states "89", Mr.
Wintermeyer states:
"In December of 1960, when confessed
"gambler Max Blustein was convicted
"of operating the Lakeview Club on
"Union Avenue, --
And on the right our comment is -- and this
is an instance where there is just a name
given and we are giving you particulars of
the status of that club:
"Lakeview Athletic Club incorporated
"under The Companies Act by letters
"Patent dated August 5th, 1936.
" The Department received a
"report from the Toronto Police of the conviction
"of three persons for keeping a common
"betting house on the premises of
"the club.
" The Department wrote to the
"club advising that the charter
"would be cancelled for cause unless
"cause were shown to the contrary.
" No hearing was requested by
"the club.
" On March 2nd, 1961, an order
"was made cancelling the charter
"for cause."
Then where the figure is "90 I" on the



1 "After the raid on the Centre Road
2 "Veterans Club the police found
3 "lists of gamblers totalling 1,464
4 "persons. Of these 1,098 were
5 "members of the Veterans Club and
6 "336 were members of the Jordan
7 "Club, a downtown Toronto club ---"

8 On the right we bring to your attention
9 that the Centre Road Veterans Association
10 Letters Patent were cancelled, and that will
11 be discussed infra in more detail later on
12 in the brief.

13 "Jordan Chess and Bridge Club,
14 "incorporated under The Ontario
15 "Companies Act by Letters Patent
16 "dated April 30th, 1932.

17 "The Department received a
18 "report from The Metropolitan Toronto
19 "Police of the conviction of the
20 "club for keeping a common betting
21 "house.

22 "The Department wrote to the
23 "club advising that the charter
24 "would be cancelled for cause unless
25 "cause were shown to the contrary.
26 "No hearing was requested by
27 "the club.

28 "On November 14, 1960, an
29 "order was made cancelling the charter
30 "for cause."



"After the raid on the Centre Road

"Veterans Club the police found

"lists of gamblers totalling 1,464

"persons. Of these 1,098 were

"members of the Veterans Club and

"336 were members of the Jordan

"Club, a downtown Toronto club --"

On the right we bring to your attention

that the Centre Road Veterans Association

Letters Patent were cancelled, and that will

be discussed later in more detail later on

in the brief.

"Jordan Chess and Bridge Club,

"Incorporated under The Ontario

"Companies Act by Letters Patent

"No. 1,098, 1950.

"The Department received a

"report from The Metropolitan Toronto

"Police of the conviction of the

"club for keeping a common betting

"house.

"The Department wrote to the

"club advising that the charter

"would be cancelled for cause unless

"cause were shown to the contrary.

"No hearing was requested by

"the club.

"On November 14, 1950, an

"order was made cancelling the charter

"for cause."



1 On the next page, 38, at the bottom of
2 the page on the left hand side it says:

3 "Mr. Speaker, there has been evidence
4 "in the courts and reference in this
5 House on previous occasions concerning
6 "three of the largest gambling clubs
7 "in the Province in the past 10 years --
8 "The Roseland Club in Windsor, the
9 "Frontier Club in Fort Erie, the
10 "Centre Road Veterans Club in
11 "Cooksville."

12 And my comments on the right are:

13 "Roseland Veterans Association Letters
14 "Patent cancelled. Will be discussed
15 "infra.
16 "Frontier Veterans Association --
17 "no complaints received at date of
18 "speech. Reports made by O.P.P. on
19 "February 20th, 1962. Will be
20 "discussed infra."

21 That has, since the publication of the brief,
22 been cancelled.

23 "Centre Road Veterans
24 "Association Letters Patent cancelled.
25 "Will be discussed infra."

26 Then on page 39, about the middle of the
27 page on the left at "90 1", Mr. Wintermeyer
28 states:

29 "There has been evidence in
30 "court concerning the Ramsey Club in



On the next page, 38, at the bottom of

the page on the left hand side it says:

"Mr. Speaker, there has been evidence

"in the courts and reference in this

House on previous occasions concerning

"three of the largest gambling clubs

"in the Province in the past 10 years --

"The Roseland Club in Windsor, the

"Frontier Club in Fort Erie, the

"Centre Road Veterans Club in

"Cooksville."

And my comments on the right are:

"Roseland Veterans Association letters

"Patent cancelled. Will be discussed

"later."

"Frontier Veterans Association --

"no complaints received at date of

"speech. Reports made by O.P.P. on

"February 20th, 1962. Will be

"discussed infra."

That has, since the publication of the brief,

been cancelled.

"Association letters Patent cancelled.

"Will be discussed infra."

Then on page 39, about the middle of the

page on the left at "90 I", Mr. Wintermeyer

"There has been evidence in

"court concerning the Ramsey Club in



1 "Niagara Falls. Mr. Speaker, the
2 "relations between this club and the
3 "Frontier Club in Fort Erie ---"

4 On the right the comment is:

5 "Frontier Veterans Association --
6 "no complaint ---"

7 And it is repetition of the earlier remark.

8 "No complaint received at date of
9 "speech. Report made by O.D.P. on
10 "February 20th, 1962. Will be
11 "discussed infra."

12 And that has since been cancelled.

13 "The Ramsey Club was incor-
14 "ported under The Dominion Companies
15 "Act. Accordingly this Department
16 "had no jurisdiction.
17 "The question of federal
18 "incorporations was discussed supra.
19 "The Department understands that at
20 :the date hereof proceedings are
21 "pending in the court by the Attorney
22 "General of Canada for a writ of
23 "scire facias to annul the Letters
24 "Patent of this club."

25 They have, of course, since then been completed
26 and cancellation has taken place.

27 On page 40 Mr. Wintermeyer refers to
28 the James Bay Goose Club, and my comment on
29 the right is as follows:

30 "James Bay Goose Club Limited.

"James Bay Goose Club Limited.

the right is as follows:

the James Bay Goose Club, and my comment on

On page 40 Mr. Wintermeyer refers to

and cancellation has taken place.

They have, of course, since then been completed

"Patent of this club."

"active factors to annul the letters

"General of Canada for a writ of

"pending in the court by the Attorney

:the date heretofore proceedings are

"The Department understands that at

"incorporation was discussed supra.

"The question of Federal

"had no jurisdiction.

"Act. Accordingly this Department

"posted under The Dominion Companies

"The Ramsey Club was incor-

And that has since been cancelled.

"discussed infra."

"February 20th, 1962. Will be

"speech. Report made by O.D.P. on

"No complaint received at date of

And it is repetition of the earlier remark.

"no complaint ---"

"Frontier Veterans Association --

On the right the comment is:

"What is the situation in

"relations between this club and the

"Niagara Falls. Mr. Speaker, the



1 "This corporation was incorporated on
2 "August 15th, 1956. The objects were
3 "not of a social nature but rather
4 "'to establish, maintain and operate
5 "hotels, restaurants, inns, cafes,
6 "bakeries, taverns, lodges, tourist
7 "lodges, summer hotels and summer
8 "resorts'.

9 " No complaint has ever been
10 "received by the Department in respect
11 "of this corporation either from the
12 "police or any one else."

13 I will pass by to page 42, the paragraph
14 marked "92 r", the second sentence:

15 "On April 25th of this year the Bellevue
16 "Bridge and Social Club and a number
17 "of other places were raided. Nine
18 "men were charged with conspiracy
19 "to operate several betting houses.
20 "Since their names and histories are
21 "instructive, I shall give them to
22 "the House:

23 " Freddy Gabourie of Bathurst
24 "Street; Jack Weaver of Chelwood Road;
25 "Harry Ikeman of Eglinton Avenue;
26 "Max Silver of Crawford Street;
27 "Arthur Larder of Spadina Avenue;
28 "Tim Buckley of Royal York Road; Mr.
29 "Goldenberg of Arlington Avenue;
30 "Alex Robinson of Tyndall Avenue and



"This corporation was incorporated on

"not of a social nature but rather

"to establish, maintain and operate

"hotels, restaurants, inns, cafes,

"bakeries, taverns, lodges, tourist

"lodges, summer hotels and summer

"resorts."

"No complaint has ever been

"received by the Department in respect

"of this corporation either from the

"police or any one else."

I will pass by to page 42, the paragraph

marked "92 r", the second sentence:

"On April 25th of this year the Bellevue

"Bridge and Social Club and a number

"of other places were raided. Nine

"men were charged with conspiracy

"to operate several betting houses.

"Since their names and histories are

"instructive, I shall give them to

"the House:

"Freddy Gabourie of Bathurst

"Street; Jack Weaver of Chelwood Road;

"Harry Ikeman of Arlington Avenue;

"Max Silver of Crawford Street;

"Arthur Langer of Spadina Avenue;

"Tim Buckley of Royal York Road; Mr.

"Goldenberg of Arlington Avenue;

"Alex Robinson of Tyndall Avenue and



1 "Hugh O'Gara of Eglinton Avenue."

2 And this was the one that you were inquiring
3 about earlier, Mr. Commissioner. On the right
4 the comments are:

5 "Bellevue Bridge and Social Club

6 "incorporated under The Ontario

7 "Companies Act, October 22nd, 1938 . . ."

8 --- (Page 43)

9 "As is set out supra, it has been

10 "departmental practice not to proceed

11 "with cancellation proceedings until

12 "all judicial proceedings have been

13 "completed."

14 MR. WILSON: Mr. Commissioner, I have
15 the information in regard to that charge now,
16 the charge against Gabourie and five other
17 persons of conspiracy for keeping a common
18 betting house. There has been a commital
19 for trial but the trial has not taken place.

20 THE WITNESS: The commital. On page 43
21 marked "93 1", Mr. Wintermeyer states as
22 follows:

23 "For the present I wish only

24 "to
25 "draw the attention of the House

26 "to the fact that Jack Weaver of

27 "41 Chelwood Road, Toronto, is on

28 "record with the Department of the

29 "hon. Provincial Secretary (Mr. Yaremko)

30 "as being a director of the Division

"Club from early 1959 until the club



"Hugh O'Garra of Eglinton Avenue."

And this was the one that you were inquiring about earlier, Mr. Commissioner. On the right the comments are:

"Bellevue Bridge and Social Club

"Incorporated under The Ontario

"Companies Act, October 22nd, 1938 . . ."

--- (1938-39)

"As is set out supra, it has been

"departmental practice not to proceed

"with cancellation proceedings until

"all judicial proceedings have been

"completed."

MR. WITNESS: Mr. Commissioner, I have

the information in regard to that charge now,

the charge against Gaborie and five other

persons of conspiracy for keeping a common

betting house. There has been a committal

for trial but the trial has not taken place.

THE WITNESS: The committal. On page 13

marked "93 I", Mr. Wintermeyer states as

follows:

"For the present I wish only

"to draw the attention of the House

"to the fact that Jack Weaver of

"41 Chelwood Road, Toronto, is on

"record with the Department of the

"Provincial Government (Toronto)

"as being a director of the Division

"Club from early 1939 until the club



1 "lost its charter in October of 1960

2 "as a result of police representations . . ."

3
4 --- (Page 44)

5 "... Officials were still writing

6 "Mr. Weaver on November 30th, 1960,

7 "to complain that the club's annual

8 "return had not been filed."

9 The comment is as follows:

10
11 --- (Page 43)

12 "... Divion Club Incorporated under

13 "The Ontario Companies Act by Letters

14 "Patent dated November 20th, 1934 . . ."

15
16 --- (Page 44)

17 "... as notice of the cancellation

18 "had not then appeared in the Ontario

19 "Gazette."

20 And I refer you for a moment, I bring your
21 attention back, Mr. Commissioner, to the scope
22 of the Department's work, and we took as read
23 statistics on page 10. I bring to your
24 attention that in respect of corporations
25 filing annual returns, in 1960 there were
26 53,000; in 1961 there were 55,000; and in
27 the total of the last twelve years there
28 were 405,000 returns handled by the Department.

29 On the left hand side ---

30 THE COMMISSIONER: Well, let us have ten

"lost its charter in October of 1960

"as a result of police representations . . .

---(Page 44)

" . . . Officials were still writing

"Mr. Weaver on November 30th, 1960,

"to complain that the club's annual

"return had not been filed."

The comment is as follows:

---(Page 43)

" Division Club Incorporated under

"The Ontario Companies Act by letters

"dated January 1, 1961, 1961 . . .

---(Page 44)

" . . . as notice of the cancellation

"had not then appeared in the Ontario

"Gazette."

And I refer you for a moment, I bring your

attention back, Mr. Commissioner, to the scope

of the Department's work, and we took as read

statistics on page 10. I bring to your

attention that in respect of corporations

filing annual returns, in 1960 there were

53,000; in 1961 there were 55,000; and in

the total of the last twelve years there

were 405,000 returns handled by the Department.

On the left hand side ---

THE COMMISSIONER: Well, let us have ten



1 minutes.

2
3 ---A short recess.

4 THE WITNESS: Mr. Commissioner, I had
5 just completed reading the comments on the
6 Divion Club. I would ask your indulgence
7 just to revert back to the Bellevue Bridge
8 and Social Club.

9 Mr. Wilson brought to my attention the
10 state of the proceedings in respect to the
11 conspiracy charge. I think that judicial
12 knowledge can be taken of the fact that of
13 the ten men charged in that case, only six
14 have been committed for trial after the
15 preliminary hearing, and I understand that
16 the following were discharged: Max Silver,
17 Phineas Goldenberg, and Arthur Larder. I think
18 that is the situation as it now stands,
19 Mr. Wilson.

20 MR. WILSON: Well, I haven't the names
21 of those who were discharged. I have the
22 names of those who were committed.

23 A. Well, I have read the names of
24 the three that were discharged.

25 Middle of page 44, "93 1", Mr. Winter-
26 meyers states as follows:

27 "I turn now, Mr. Speaker, to
28 "Harry Eisen and Arthur Larder.
29 "Eisen was from 1955 to 1958 a
30 "director of the Somerset Club in



minutes.

--A short recess.

THE WITNESS: Mr. Commissioner, I had

just completed reading the comments on the

Division Club. I would ask your indulgence

just to revert back to the Bellevue Bridge

and Social Club.

Mr. Wilson brought to my attention the

state of the proceedings in respect to the

conspiracy charge. I think that judicial

knowledge can be taken of the fact that of

the ten men charged in that case, only six

have been committed for trial after the

preliminary hearing, and I understand that

the following were discharged: Max Silver,

Phineas Goldenberg, and Arthur Larder. I think

that is the situation as it now stands.

Mr. Wilson.

MR. WILSON: Well, I haven't the names

of those who were discharged. I have the

names of those who were committed.

A. Well, I have read the names of

the three that were discharged.

Middle of page 44, "93 I", Mr. Winter-

meys states as follows:

"I turn now, Mr. Speaker, to

"Harry Eisen and Arthur Larder.

"Eisen was from 1925 to 1928 a

"director of the Somerset Club in



1 "North York, a club suspected by the
2 "police of illegal gambling."

3 And on the right I indicate that Somerset Club
4 will be discussed infra. A short comment
5 was made earlier. It will be discussed in
6 detail later on.

7 "On the left under "93 1":

8 "After 1958 he was a director of the

9 "Bellevue Club. The file on the

10 "Bellevue Club does not show an

11 "Arthur Larder, L-a-r-d-e-r, but

12 "it does show an Arthur Larter,

13 "l-a-r-t-e-r, of 397 Spadina

14 "Avenue, as a director in 1960.

15 "And it would appear they are one

16 "and the same man."

17 On the right I say the Bellevue Bridge
18 and Social Club was discussed supra, and Mr.
19 Larder or Mr. Larter was one of the men who
20 were discharged on the preliminary hearing.

21 "On the left under "93 1":

22 "Tim Buckley, another of the men

23 "arrested April 25th on the charge

24 "of conspiracy to operate several

25 "betting houses appears in the

26 "file of the Columbia Bridge Club

27 "of Toronto as a director in 1959.

28 "The Columbia Club's charter was

29 "dissolved for cause a year before

30 "Mr. Buckley was arrested on the

"North York, a club suspected by the

"police of illegal gambling."

And on the right I indicate that Somerset Club

will be discussed infra. A short comment

was made earlier. It will be discussed in

detail later on.

Don the left under "93 I":

"After 1958 he was a director of the

"Bellevue Club. The file on the

"Bellevue Club does not show an

"Arthur Lander, L-a-r-d-e-r, but

"it does show an Arthur Lander,

"l-a-r-d-e-r, of 397 Spadina

"Avenue, as a director in 1960.

"And it would appear they are one

"and the same man."

On the right I say the Bellevue Bridge

and Social Club was discussed supra, and Mr.

Lander or Mr. Lander was one of the men who

were discharged on the preliminary hearing.

"On the left under "93 I":

"Tim Buckley, another of the men

"arrested April 25th on the charge

"of conspiracy to operate several

"betting houses appears in the

"file of the Columbia Bridge Club

"of Toronto as a director in 1959.

"The Columbia Club's charter was

"dissolved for cause a year before

"Mr. Buckley was arrested on the



1 "conspiracy charge." Phinias Goldenberg
2 "of Arlington Avenue is I presume either
3 "the same or a close relative of Percy
4 "Goldenberg of 243 Arlington Avenue,
5 "Toronto, who is identified in the
6 "Bellevue Club file as a club director
7 "from 1958 to 1961."

8 The comment on the right is as follows:

9 " Columbia Bridge Club incorporated
10 "under The Ontario Companies Act by
11 "letters patent dated August 13th, 1936.
12 "The Department received a report from
13 "The Metropolitan Toronto Police
14 "alleging that the club was operating
15 "a common gaming house.

16 " The Department wrote to the
17 "club advising that the charter would
18 "be cancelled for cause unless cause
19 "were shown to the contrary.

20 " A hearing was requested by the
21 "club.

22 " On March 23rd, 1960, an order
23 "was made cancelling the charter for
24 "cause."

25 On page 45 under "93 r" Mr. Wintermeyer
26 states:

27 " Alex Robinson of Tyndall Avenue
28 "was a director of the West End Bridge
29 "and Social Club, Toronto, from 1953
30 "until the club was convicted for

"conspiracy charge. Phinias Goldensberg

"of Arlington Avenue is I presume either

"the same or a close relative of Percy

"Goldensberg of 243 Arlington Avenue,

"Toronto, who is identified in the

"Bellevue Club file as a club director

"from 1958 to 1961."

The comment on the right is as follows:

"Columbia Bridge Club incorporated

"under The Ontario Companies Act by

"Letters patent dated August 13th, 1936.

"The Department received a report from

"The Metropolitan Toronto Police

"alleging that the club was operating

"a common gaming house.

"The Department wrote to the

"club advising that the charter would

"be cancelled for cause unless cause

"were shown to the contrary.

"A hearing was requested by the

"club.

"On March 23rd, 1960, an order

"was made cancelling the charter for

"cause.

On page 45 under "93 r" Mr. Wintermeyer

"Alex Robinson of Tyndall Avenue

"was a director of the West End Bridge

"and Social Club, Toronto, from 1953

"until the club was convicted for



1 "illegal gambling in 1960."

2 The comment on the right is as follows:

3 "West End Bridge and Social Club

4 "incorporated under The Ontario

5 "Companies Act, by Letters Patent

6 "dated February 11th, 1939.

7 "The Department received a

8 "report from The Metropolitan Toronto

9 "Police of the conviction of the club

10 "for keeping a common betting house.

11 "The Department wrote to the club

12 "advising that the charter would be

13 "cancelled for cause unless cause

14 "were shown to the contrary.

15 " No hearing was requested by

16 "the club.

17 " On May 27th, 1960, an order

18 "was made cancelling the charter for

19 "cause."

20 On the left again, Mr. Wintermeyer states:

21 " From 1954 to 1956 he was a

22 "director of the Club Bernard, a

23 "club still operating and suspected

24 "of illegal gambling by the Toronto

25 "Police."

26 On the right the comment is:

27 " Club Bernard incorpo~~r~~ated

28 "under the Ontario Companies Act,

29 "by Letters Patent dated January 6th,

30 "1948.



"illegal gambling in 1960."

The comment on the right is as follows:

"West End Bridge and Social Club

"Incorporated under the Ontario

"Companies Act, by Letters Patent

"dated February 11th, 1939.

"The Department received a

"report from The Metropolitan Toronto

"Police of the conviction of the club

"for keeping a common betting house.

"The Department wrote to the club

"advising that the charter would be

"cancelled for cause unless cause

"were shown to the contrary.

"No hearing was requested by

"the club.

"On May 27th, 1960, an order

"was made cancelling the charter for

"cause."

On the left again, Mr. Wintermyer states:

"From 1954 to 1956 he was a

"director of the Club Bernard, a

"club still operating and unsuspected

"of illegal gambling by the Toronto

"Police."

On the right the comment is:

"Club Bernard incorporated

"under the Ontario Companies Act,

"by Letters Patent dated January 5th,

"1939."



1 The Department received a report
2 "from The Metropolitan Toronto Police
3 "of the conviction of two persons for
4 "keeping a common gaming house on the
5 "premises of the club. The Department
6 "wrote to the club advising that the
7 "charter would be cancelled for cause
8 "unless cause were shown to the
9 "contrary.
10 "and No hearing was requested by
11 "the club.
12 "On July 10th, 1961, an order
13 "was made cancelling the charter for
14 "cause.
15 "If as alleged to Mr. Wintermeyer ---"
16 That should be:
17 "If as alleged by Mr. Wintermeyer"
18 instead of "to" --
19 "If as alleged by Mr. Wintermeyer
20 "on November 29th, 1961, the club was
21 "'still operating' it was doing so
22 "under an unincorporated status."
23 On page 46 at the middle of the page, "93 r",
24 Mr. Wintermeyer states:
25 "Has he not received both from
26 "the Provincial Police and the
27 "Metropolitan Toronto Police lists
28 "of clubs suspected of gaming or
29 "betting? . . .
30 "But I am not going to disclose



" But I am not going to disclose

"of clubs suspected of gaming or

"Metropolitan Toronto Police lists

"the Provincial Police and the

" Has he not received both from

Mr. Wintermeyer's statement:

On page 46 at the middle of the page, "93 r."

"under an unincorporated status."

"'still operating' it was doing so

"on November 29th, 1961, the club was

" If as alleged by Mr. Wintermeyer

instead of "to" --

"If as alleged by Mr. Wintermeyer"

That should be:

" If as alleged to Mr. Wintermeyer ---"

"about,

"was made cancelling the charter for

" On July 10th, 1961, an order

"the club.

" No hearing was requested by

"contrary,

"unless cause were shown to the

"charter would be cancelled for cause

"wrote to the club advising that the

"premises of the club. The Department

"keeping a common gaming house on the

"of the conviction of two persons for

"from The Metropolitan Toronto Police

" The Department received a report



1 are for "all the names because I do not believe
2 "they should be disclosed unnecessarily."

3 On the right the comment of the
4 Department is as follows:

5 "Re; lists and records." Mr. Winter-

6 "meyer states, 'Has he not received

7 "both from the Provincial Police

8 "and the Metropolitan Toronto Police

9 "lists of clubs suspected of gaming

10 "and betting?'

11 "The Department has related

12 "supra its co-operation and contacts

13 "with the police.

14 " The police generally wait

15 "until a conviction is registered

16 "before reporting to the Provincial

17 "Secretary and only in rare cases

18 "do they make a report of 'suspected

19 "clubs'.

20 " The Department refers to the

21 "fact that since July 1st, 1950,

22 "75 clubs have been cancelled on

23 "complaint of the police (Appendix J).

24 "It also refers to Chief Mackey's

25 "list in Appendix K where every

26 "complaint has been dealt with,

27 "leading to cancellation, and the

28 "remaining being under proceedings

29 "for cancellation."

30 Now, Mr. Commissioner, Appendices J and K



"all the names because I do not believe they should be disclosed unnecessarily."

On the right the comment of the

Department is as follows:

"The Department has received information from the Provincial Police and the Metropolitan Toronto Police that a number of clubs suspected of gaming and betting."

"Meyer states, 'Has he not received information from the Provincial Police and the Metropolitan Toronto Police that a number of clubs suspected of gaming and betting?'"

"The Department has stated that it is co-operation and contacts with the police."

"The police generally wait until a conviction is registered before reporting to the Provincial Secretary and only in rare cases do they make a report of suspected clubs."

"The Department refers to the fact that since July 1st, 1950, 75 clubs have been cancelled on complaint of the police (Appendix J)."

"It also refers to Chief Mackey's list in Appendix K where every complaint has been dealt with, leading to cancellation, and the remaining being under proceedings for cancellation."



1 are fairly voluminous. It is my request that
2 they be read into the record, perhaps not at
3 this stage but at a later stage of the
4 presentation of the brief, because they have
5 a very direct bearing in this allegation by
6 Mr. Wintermeyer.

7 " There are more than 3,200
8 "corporations having objects, either
9 "in whole or in part of a social
10 "nature, presently in existence in
11 "Ontario. . . ."

12
13 --- (Page 47)

14 --- (Page 48)

15 ". . . . In only six cases has there
16 "been subsequent cause for cancellation
17 "(See statistical summary infra)."

18 On the left, Mr. Wintermeyer states as
19 "follows:

20 " Suffice it to say I have
21 "compiled over 30 names of persons
22 "who are part of the pattern I have
23 "described.

24 " In every case the organization
25 "involved has been convicted or
26 "suspected by the police of illegal
27 "gambling and I would point out to
28 "the House that it is well established
29 "that these persons are frequently
30 "just the fronts for the big-time



are fairly voluminous. It is my request that they be read into the record, perhaps not at this stage but at a later stage of the presentation of the brief, because they have a very direct bearing in this allegation by

"There are more than 3,000 corporations having objects, either in whole or in part of a social nature, presently in existence in

---(Page 47)
---(Page 48)

"... In only six cases has there been subsequent cause for cancellation (See statistical summary infra). On the left, Mr. Wintermeyer states as

"Suffice it to say I have compiled over 30 names of persons who are part of the pattern I have described."

"In every case the organization involved has been convicted or suspected by the police of illegal gambling and I would point out to that these persons are frequently just the fronts for the big-time



1 that "gamblers. Max Blustein, for example,
2 "was convicted of keeping at the
3 "Lakeview Club in Toronto but his
4 "name appears nowhere in the Provincial
5 "Secretary's file on that club."

6 The comments of the Department on the
7 right are as follows:

8 The Department does not under-
9 stand the statement of Mr. Wintermeyer

10 "that 'I have compiled over 30 names
11 "of persons who are part of the pattern
12 "I have described'. Apart from

13 "the fact that previous to that
14 "statement he had uttered the names
15 "of 30 persons, the only connection
16 "appears to be that a certain nine
17 "of them have been charged for

18 "conspiring to keep common betting
19 "houses. The Department has had

20 "a table drawn up listing the names
21 "of the nine individuals charged with
22 "conspiracy and the clubs referred
23 "to by Mr. Wintermeyer in respect of
24 "the individual's name and the same
25 "appears in Appendix L."

26 I would ask you to turn, Mr. Commissioner,
27 to Appendix L.

28 THE COMMISSIONER: Better put some tabs
29 on this.

30 THE WITNESS: I may say, Mr. Commissioner,



"Gamblers. Max Hirscheim, for example,

"was convicted of keeping at the

"Lakeview Club in Toronto but his

"name appears nowhere in the Provincial

"Secretary's file on that club."

The comments of the Department on the

right are as follows:

"The Department does not under-

"stand the statement of Mr. Wintermeyer

"that 'I have compiled over 30 names

"of persons who are part of the pattern

"I have described'. Apart from

"the fact that previous to that

"statement he had uttered the names

"of 30 persons, the only connection

"appears to be that a certain nine

"of them have been charged for

"conspiring to keep common betting

"houses. The Department has had

"a table drawn up listing the names

"of the nine individuals charged with

"conspiracy and the clubs referred

"to by Mr. Wintermeyer in respect of

"the individual's name and the same

"appears in Appendix I."

I would ask you to turn, Mr. Commissioner,

to Appendix I.

THE COMMISSIONER: Better put some tabs

on this.

THE WITNESS: I may say, Mr. Commissioner,



1 that these briefs came from the printer at 2.00
2 o'clock yesterday afternoon, and there was no
3 time to put tabs on. We attempted to do the
4 same with the coloured pages.

5 "On page "i" we have the index of the
6 corporations with social objects mentioned
7 in Mr. Wintermeyer's speech, and they are
8 listed here. I believe there are some
9 thirty-two.

10 Following that we give the same details,
11 and I am not going to read them at the present
12 time, but we give the details in respect of
13 the clubs as to the date of incorporation,
14 breaking it down as to before July 1st, 1950,
15 or after July 1st, 1950, the last directors
16 of record, the last solicitor of record, and
17 then Appendix J, that is, the cancellation
18 appendix, and then "Other comments".

19 I will not read those at the present
20 time, but I would ask you to turn to the
21 last page and you will see a fold-out chart.
22 This has on the left hand side the names
23 mentioned in Mr. Wintermeyer's speech. They
24 are the names of human beings. Across the
25 top are listed corporations with social
26 objects mentioned in Mr. Wintermeyer's
27 speech. They are all listed. Then in the
28 top left hand corner are those nine
29 individuals listed, together with the clubs.
30 You will see the dark lines embracing them,



that these briefs came from the printer at 2.00
o'clock yesterday afternoon, and there was no
time to put tabs on. We attempted to do the
same with the coloured pages.

"On page '1' we have the index of the

corporations with social objects mentioned
in Mr. Wintermeyer's speech, and they are
listed here. I believe there are some
thirty-two.

Following that we give the same details,
and I am not going to read them at the present
time, but we give the details in respect of
the clubs as to the date of incorporation,
breaking it down as to before July 1st, 1950,
or after July 1st, 1950, the last directors
of record, the last solicitor of record, and
then Appendix 1, that is, the cancellation
appendix, and then "Other comments".

I will not read those at the present

time, but I would ask you to turn to the
last page and you will see a fold-out chart.

This has on the left hand corner the names

mentioned in Mr. Wintermeyer's speech. They

are the names of human beings. Across the

top are listed corporations with social

objects mentioned in Mr. Wintermeyer's

speech. They are all listed. Then in the

top left hand corner are those nine

individuals listed, together with the clubs.

You will see the dark lines embracing them,



1 Mr. Commissioner.

2 THE COMMISSIONER: Yes.

3 A. "The Department has had a table
4 "drawn up listing the names of the
5 "nine individuals charged with
6 "conspiracy and the clubs referred
7 "to by Mr. Wintermeyer in respect
8 "of the individual's name and the
9 "same appears in Appendix L."

10 With that dark section.

11 "It is to be noted that three of the
12 "individuals do not appear in the
13 "records of the clubs in the
14 "Department at all; four appear
15 "in the record of one club; only
16 "two appear in the record of two
17 "clubs." The same table has been
18 "extended to show the balance of
19 "names (35 in all) and all the
20 "clubs named in his speech. It is
21 "to be noted that of the 35
22 "additional names, 25 do not appear
23 "at all; five appear once and five
24 "appear twice.

25 "The Department has listed
26 "on cards (Appendix M) ---"

27 If I may have Appendix M --

28 "... the last directors of record
29 "of the clubs shown in Appendix J
30 "showing all the clubs cancelled



...
THE COMMISSIONER: Yes.
A. "The Department has had a table
"drawn up listing the names of the
"nine individuals charged with
"conspiracy and the clubs referred
"to by Mr. Wintermeyer in respect
"of the individual's name and the
"same appears in Appendix I."
With that dark section.
"It is to be noted that three of the
"individuals do not appear in the
"records of the clubs in the
"Department at all; four appear
"in the record of one club; only
"two appear in the record of two
"clubs. The same table has been
"extended to show the balance of
"names (35 in all) and all the
"clubs named in his speech. It is
"to be noted that of the 35
"additional names, 25 do not appear
"at all, five appear once and five
"appear twice.
"The Department has listed
"on cards (Appendix M) ---
If I may have Appendix M --
"... the last directors of record
"of the clubs shown in Appendix J
"showing all the clubs cancelled



1 "between July 1st, 1950, and December

2 "11th, 1961, being 75 clubs with

3 "279 different persons shown as

4 "directors.

5 " Of this number 274 appear as

6 "director only once and five appear

7 "as director twice."

8 Visually, Mr. Commissioner, if you look
9 at these cards, the white cards are the names
10 of the directors that appear once, and the
11 blue cards, of which there are five in total,
12 carry the names of directors that appear on
13 two corporations, and these are Appendix M that
14 we prepared in this way, and this is the
15 only Appendix M with the brief and it will
16 be filed and so entered with the Commission.

17 "The tables have been prepared working

18 "backwards from the fact that police

19 "investigations brought about an

20 "inquiry into specific clubs which

21 "brought about their cancellation."

22 We have only done this with the 75
23 clubs that were cancelled, and I interject
24 at this point, Mr. Commissioner, to bring
25 to your attention that in all the appendices,
26 Appendix F, if you look at that for a
27 moment, that gives the name of applicant
28 and then there are other appendices in
29 which there are listed the names of directors.
30 When you consider it, there are some 1,219



"between July 1st, 1950, and December

"1st, 1951, being 75 clubs with

"279 different persons shown as

"directors.

"Of this number 274 appear as

"directors only once and five appear

"as directors twice."

Visually, Mr. Commissioner, if you look

at these cards, the white cards are the names

of the directors that appear once, and the

blue cards, of which there are five in total,

carry the names of directors that appear on

two corporations, and these are Appendix M that

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"backwards from the fact that police

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"inquiry into specific clubs which

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clubs that were cancelled, and I interject

at this point, Mr. Commissioner, to bring

to your attention that in all the appendices,

Appendix F, if you look at that for a

moment, that gives the name of applicant

and then there are other appendices in

which there are listed the names of directors.



1 corporations in which we have listed either the
2 applicants or directors, and on an average of
3 only five names per corporation, there are
4 within the compass of these appendices five
5 times 1200, roughly 6,000 names. Now,
6 whether the Commission wishes to co-relate
7 all that information on clubs, I don't know.

8 THE COMMISSIONER: No.

9 A. But we have attempted graphically
10 to bring to your attention the limited remarks
11 of Mr. Wintermeyer.

12 On page 48 at "94 1" Mr. Wintermeyer
13 states:

14 "The examination and comparison of
15 "the Provincial Secretary's public
16 "records also shows beyond any
17 "reasonable doubt that there has
18 "been and is a heavy trafficking
19 "in the charters of so-called clubs."

20
21 (Page 9249 follows)
22
23
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all that information on clubs, I don't know, whether the Commission wishes to co-relate these 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615,

of Mr. Wintermeyer.

to bring to your attention the limited remarks

A. But we have attempted graphically

On page 48 at "I" Mr. Wintermyer

"in the charters of so-called clubs,"
"been and is a heavy trafficking
"reasonable doubt that there has
"records also shows beyond any
"the Provincial Secretary's public
"The examination and comparison of

(Page 25th follows)



1 THE WITNESS: The comment of the
2 Department on the right is as follows:

3 "The Department submits that
4 "Mr. Wintermeyer in his speech has
5 "presented no evidence to substantiate
6 "his allegation that there had been
7 "'a heavy trafficking' in the charters
8 "of 'so-called clubs'. . . .

9
10
11 "As has been related supra,
12 "following this interview, the
13 "Honourable Mackinnon Phillips did
14 "two things immediately: (1) In
15 "order to prevent any trafficking
16 "in such Letters Patent, on
17 "February 5th, 1961, he introduced . . ." -
18 I believe that should be 1960. I will check
19 that date.

20 THE COMMISSIONER: Q. He was not
21 Minister in 1961.

22 A. No, that should be 1960, Mr.
23 Commissioner. -

24 ". . . he introduced legislation
25 "providing no social club, whenever
26 "incorporated, could change the
27 "location of its premises from one
28 "address to another without the
29 "prior consent of the Provincial
30 "Secretary. . . .



THE WITNESS: The content of the

Department on the right is as follows:

"The Department submits that

"Mr. Wintermyer in his speech has

"presented no evidence to substantiate

"his allegation that there had been

"a large expenditure of money

"of 'so-called clubs' . . .

"As has been related supra,

"following this interview, the

"Department has been informed that

"two things immediately: (1) In

"order to prevent any trafficking

"in such Letters Patent, on

"February 25th, 1961, he introduced . . .

I believe that should be 1960. I will check

that date.

THE COMMISSIONER: Q. He was not

Minister in 1961.

A. No, that should be 1960, Mr.

Commissioner. -

" . . . he introduced legislation

"providing no social club, whenever

"incorporated, could change the

"location of its premises from one

"address to another without the

"prior consent of the Provincial



1 Mr. Wintermeyer's statement
2 "on the 29th of November, 1961, that
3 "there . . . is a heavy trafficking'
4 "is, so far as the knowledge of the
5 "Department is concerned, incorrect."

6 In the middle of the next paragraph on
7 the left are named: The Lakeview Club, the
8 Garment Centre Recreation Club, the Jordan
9 Club, the Bellevue Club, the Colonial Club
10 and the Finnish Club of New Toronto.

11 On the right are our comments in relation
12 to those clubs:

13 "LAKEVIEW ATHLETIC CLUB

14 "(cancelled March 2nd, 1961)

15 "discussed supra. . . .

16 "THE FINNISH SOCIAL CLUB OF TIMMINS

17 "(cancelled February 12th, 1960)

18 " This club will be discussed

19 "infra."

20 On the left hand side, Mr. Wintermeyer
21 referred to the Union Jack Club, the West
22 End Club, the Columbia Club, the Greek Canadian
23 Club, the Showmen's League of America, the
24 Frontier Veterans Association of Fort Erie,
25 the Roseland Club in Windsor, and the Centre
26 Road Veterans Club of Cooksville.

27 On the right are the Department's
28 comments:

29 "UNION JACK (TORONTO) SOCIAL CLUB

30 " Incorporated under The Ontario



Mr. Wintermeyer's statement

"on the 29th of November, 1961, that

"there . . . is a heavy trafficking

"is, so far as the knowledge of the

"Department is concerned, incorrect."

In the middle of the next paragraph on

the left are named: The Lakeview Club, the

Garment Centre Recreation Club, the Jordan

Club, the Bellevue Club, the Colonial Club

and the Finnish Club of New Toronto.

On the right are our comments in relation

to those clubs:

CLUBS DISCLOSED

"(cancelled March 2nd, 1961)

"discussed supra. . . .

THE FINNISH SOCIAL CLUB OF TORONTO

"(cancelled February 1961, 1962)

"This club will be discussed

"later."

On the left hand side, Mr. Wintermeyer

referred to the Union Jack Club, the West

End Club, the Columbia Club, the Greek Canadian

Club, the Showmen's League of America, the

Frontier Veterans Association of Fort Erie,

the Roseland Club in Windsor, and the Centre

Road Veterans Club of Coopersville.

On the right are the Department's

comments:

"UNION JACK (TORONTO) SOCIAL CLUB

DISCLOSED NAME AND ADDRESS



1 "Companies Act by Letters Patent

2 "dated June 1st, 1958."

3
4
5 --- (Page 51) The Department has above

6 "FRONTIER VETERANS ASSOCIATION OF
7 "FORT ERIE" --

8 This is a repetition of earlier remarks --

9 "(No complaint received up to date

10 "of speech from the police or

11 "anyone else. Report made by

12 "O.P.P. on February 20th, 1962)

13 "to be discussed infra

14
15 "ROSELAND CLUB OF WINDSOR

16 "(cancelled on February 14th, 1958)

17 "to be discussed infra

18 "CENTRE ROAD VETERANS CLUB OF COOKSVILLE

19 "(cancelled on June 3rd, 1960)

20 "to be discussed infra"

21 The last paragraph on the left, Mr.

22 Wintermeyer stated:

23 "In view of this traffic in

24 "social club charters, and in view

25 "of the organizational pattern I

26 "have described with respect to

27 "these clubs, I now propose, Mr.

28 "Speaker, to examine in some detail

29 "how this charter system works

30 "and how it has been used by criminals



"Companies Act by Letters Patent

"dated June 1st, 1958."

---(Page 21)

SECTION 10(1) OF THE PATENT ACT
"The following are the provisions of the Act"

"This is a repetition of earlier remarks -

"(No complaint received up to date

"of speech from the police or

"anyone else. Report made by

"O.P.P. on February 20th, 1958)

"to be discussed infra

"ROSELAND CLUB OF WINDSOR

"(cancelled on February 14th, 1958)

"to be discussed infra

"CENTRE ROAD WITBANS CLUB OF COOKSVILLE

"(cancelled on June 3rd, 1958)

"to be discussed infra"

The last paragraph on the left, Mr.

---(Page 22)

"In view of this traffic in

"social club charters, and in view

"of the organizational pattern I

"have described with respect to

"these clubs, I now propose, Mr.

"Speaker, to examine in some detail

"how this charter system works

"and how it has been used by criminals



1 "to exploit the laws of Ontario
2 "and circumvent the laws in Canada."

3 The comment of the Department on the
4 right is as follows:

5 "The Department has above
6 "dealt with the question of so-called
7 "'traffic' in letters patent.
8 "The Department submits that
9 "Mr. Wintermeyer throughout his
10 "whole speech has offered no evidence
11 "to justify his allegation that
12 "letters patent issued by the
13 "Department have been used by
14 "criminals 'to exploit the laws of
15 "Ontario and circumvent the laws in
16 "Canada'."

17 Q.: Well, just passing there. There
18 has been evidence before me that certain persons
19 have used the letters patent for the purpose
20 of, I do not know whether exploit is the
21 proper word or not, but they have hidden
22 behind the company's charter and in such
23 places of hiding have carried on unlawful
24 activities. Have you dealt anywhere in your
25 brief with that?

26 A.: We may be dealing with that,
27 perhaps, Mr. Commissioner -- I have not
28 had the opportunity of reading that part of
29 the evidence placed before you. If Mr. Wilson
30 could bring it to my attention we will be



"to exploit the laws of Ontario
"and circumvent the laws in Canada."
The comment of the Department on the

right is as follows:

"The Department has above
"dealt with the question of so-called
"criminals in letters patent.
"The Department submits that
"Mr. Wintermeyer throughout his
"whole speech has offered no evidence
"to justify his allegation that
"letters patent issued by the
"Department have been used by
"criminals to exploit the laws of
"Ontario and circumvent the laws in
"Canada."

"Well, just exactly what
has been evidence before me that certain persons
have used the letters patent for the purpose
of, I do not know whether exploit is the
proper word or not, but they have hidden
behind the company's charter and in such
places of hiding have carried on unlawful
activities. Have you dealt anywhere in your
brief with that?

A. We may be dealing with that,

perhaps, Mr. Commissioner -- I have not
had the opportunity of reading that part of
the evidence placed before you. If Mr. Wilson
could bring it to my attention we will be



1 prepared to make comments in that regard.

2 Q. There is volumes of evidence
3 that the Centre Road Vets Club, the Roseland
4 Club, the Frontier Club, among others, all
5 have been the havens in which certain persons
6 have carried on gaming activities and used
7 the provisions of the Criminal Code, which
8 gives certain protection to social clubs,
9 as a defence against prosecutions for unlawful
10 gaming houses. Without the charters, that
11 defence would not have been available to
12 them.

13 A. Well, when we come to examine --

14 Q. I am not suggesting, do not
15 misunderstand me, that bare fact reflects
16 adversely on the Department of the Provincial
17 Secretary; I am merely stating that that is
18 the fact.

19 A. I would be interested, for my
20 own edification perhaps, if somebody could
21 enlarge on that statement more specifically
22 'to exploit the laws of Ontario and circumvent
23 the laws in Canada'.

24 We have an Appendix J and an Appendix
25 K, the cancellations and complaints, and we
26 deal with clubs in respect of which offences
27 have occurred. They will be gone into in
28 detail.

29 It has been difficult for me to under-
30 stand the phrase "exploit the laws of Ontario".



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Q. There's volumes of evidence

that the Centre Road Vets Club, the Roseland

Club, the Frontier Club, among others, all

have been the havens in which certain persons

have carried on gaming activities and used

the provisions of the Criminal Code, which

gives certain protection to social clubs,

as a defence against prosecutions for unlawful

gaming houses. Without the charter, that

defence would not have been available to

them.

A. Well, when we come to examine --

Q. I am not suggesting, do not

misrepresent me, that I am not

adversely on the Department of the Provincial

Secretary; I am merely stating that that is

the fact.

A. I would be interested, for my

own edification perhaps, if somebody could

enlarge on that statement more specifically

'to exploit the laws of Ontario and circumvent

the laws in Canada'.

We have an Appendix 1 and an Appendix

K, the cancellations and complaints, and we

deal with clubs in respect of which offences

have occurred. They will be gone into in

detail.

It has been difficult for me to under-

stand the phrase "exploit the laws of Ontario".



1 What laws of Ontario were exploited at the
2 present time specifically? I do not know,
3 whether Mr. Wilson, or perhaps an authority
4 on criminal law can be brought in; but it
5 was "to exploit the laws of Ontario".

6 Q. I suggest that perhaps that
7 is not the right word.

8 A. It was the word used by Mr.
9 Wintermeyer, and perhaps he would enlarge on
10 it so that we may reply to it.

11
12
13 (Page 9455 follows)
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What laws of Ontario were exploited at the
present time specifically? I do not know
whether Mr. Wilson, or perhaps an authority
on criminal law can be brought in; but it
was "to exploit the laws of Ontario".
Q. I suggest that perhaps that
is not the right word.
A. It was the word used by Mr.
Wintermeyer, and perhaps he would enlarge on
it so that we may reply to it.

(page 9455 follows)



1 Q. We will see.

2 A. On page 52, "94 r":

3 "Mr. Speaker, I want to deal now

4 "with the gaming clubs in Ontario

5 "masquerading under the guise of

6 "social clubs incorporated under

7 "the laws of Ontario. In dealing

8 "with chartered social clubs that

9 "have become gaming clubs I will

10 "discuss the following topics:

11 "(1) What is the difference between

12 "gambling and gaming? (2) What

13 "is the law relating to chartered

14 "social clubs? (3) What is the

15 "advantage for professional gamblers

16 "to operate behind the guise of a

17 "chartered social club? (4) What

18 "is the policy of the Conservative

19 "government towards chartered

20 "social clubs suspected of being

21 "gaming houses? (5) How have the

22 "Attorney-General's Department

23 "and the Provincial Secretary's

24 "Department enforced the laws and

25 "carried out government policy

26 "with respect to chartered social

27 "clubs and illegal gambling?"

28 The comment on the right is:

29 " This brief is an answer to

30 "Questions 4 and 5 and particular



"Questions 4 and 5 and particular

" This brief is an answer to

The comment on the right is:

"With respect to chartered social

"carried out government policy

"Department enforced the laws and

"and the Provincial Secretary's

"Attorney-General's Department

"gaming houses? (5) How have the

"social clubs suspected of being

"government towards chartered

"is the policy of the Conservative

"chartered social clubs? (4) What

"to operate behind the guise of a

"advantage for professional gamblers

"social clubs? (3) What is the

"is the law relating to chartered

"gambling and gaming? (2) What

"(1) What is the difference between

"discuss the following topics:

"have become gaming clubs I will

"with chartered social clubs that

"the laws of Ontario. In dealing

"social clubs incorporated under

"masquerading under the guise of

"with the gaming clubs in Ontario

"Mr. Speaker, I want to deal now

"We will see.



1 "reference is made to Chapter 12 -

2 "summary of policies and statistical

3 "review."

4 Which we will be coming to later on.

5 On page 53, the second paragraph, Mr.

6 Wintermeyer states as follows:

7 "The Criminal Code provides,

8 "however, that in the case of an

9 "incorporated bona fide social club

10 "or a branch thereof such club or

11 "branch shall not be deemed to be a

12 "gaming house if no fee in excess

13 "of ten cents an hour or fifty cents

14 "a day is charged to the players.

15 "The law provides that the onus of

16 "proving an incorporated social

17 "club is bona fide is on the club.

18 "It is this exception which makes

19 "a social club charter so valuable

20 "to professional gamblers."

21 The comment of the Department on the right
22 is as follows:

23 "It is assumed that Mr.

24 "Wintermeyer is referring to sub-

25 "sections 2 and 3 of section 168

26 "of the Criminal Code, wset out in

27 "detail supra. . . .

28 -----
29 "Mr. Wintermeyer's implication

30 "that this exception is available in



"reference is made to Chapter 12 -

"summary of policies and statistical

"table."

Which we will be coming to later on.

On page 53, the second paragraph, Mr.

Wintermeyer states as follows:

"The Criminal Code provides,

"however, that in the case of an

"incorporated bona fide social club

"or a branch thereof such club or

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"to professional gamblers."

The comment of the Department on the right

is as follows:

"It is assumed that Mr.

"Wintermeyer is referring to sub-

"sections 2 and 3 of section 158

"of the Criminal Code, set out in

"detail supra. . . .

"Mr. Wintermeyer's implication

"that this exception is available in



1 "the instance of post-1950 charters is
2 except "incorrect."

3 On the left he --

4 Q. I am not quite following that.

5 You say that since July 1, 1950, all letters
6 patent issued have been issued subject to
7 that condition. Mr. Wintermeyer's implication
8 that this is available in post-1950 charters
9 is incorrect? Isn't it correct? Since
10 1950 that is a condition imposed.

11 A. And if anybody uses a charter --

12 Q. If anybody violates the
13 condition the charter is subject to can-
14 cellation?

15 A. The charter is subject to
16 cancellation.

17 Q. Is your last paragraph correct,
18 when you say that:

19 "Mr. Wintermeyer's implication
20 "that his exception is available in
21 "the instance of post-1950 charters
22 "is incorrect."

23 I do not quite understand that, Mr. Yaremko.

24 A. I think I may clarify it perhaps,
25 Mr. Commissioner. If letter patent --
26 The letters patent do permit of, perhaps,
27 the dog's one bite; if the corporation is
28 incorporated with this condition they can
29 rely upon it in the Court once. But, then,
30 the letters patent is subject to cancellation.



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On the left he --

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You say that since July 1, 1950, all letters

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A. And if anybody uses a charter --

Q. If anybody violates the

condition the charter is subject to can-

cellation.

A. The charter is subject to

annulment.

Q. Is your last paragraph correct,

when you say that:

"the instance of post-1950 charters

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1 It is not something that provides them with an
2 exception continuously, as perhaps in the
3 pre-1950 corporations.

4 He made no differentiation between the
5 1950 and the post-1950.

6 Q. To what is he referring --
7 or, what are you referring to when you say,
8 "Mr. Wintermeyer's implication that this
9 exception . . ."? What exception?

10 A. That they can charge ten cents --
11 That the letters patent issued after 1950
12 will permit them to charge ten cents an
13 hour or fifty cents a day.

14 Q. May we leave it at the moment
15 by my simply saying, I do not quite grasp
16 your submission? Maybe tomorrow you will
17 be able further to enlighten me on it.

18 A. Yes.

19 Mr. Wintermeyer on the left states:

20 "It permits gamblers to occupy a
21 "premises that can be frequented
22 "openly and daily by a large number
23 "of people."

24 The comment of the Department on the
25 right is:

26 " The use of the word 'permits'
27 "leaves an inference; there is
28 "nothing in the Letters Patent per se
29 "that specifically 'permits' the
30 "things referred to by Mr. Wintermeyer.



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 nothing in the Letters Patent per se
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 things referred to by Mr. Wintermeyer."



1 "Premises can be frequented openly and
2 "daily by a large number of people,
3 "under a great many circumstances.

4 "Such could also be the case when
5 "the persons are formed into an
6 "unincorporated association.

7 " Mr. Wintermeyer's implication
8 "that a charter is necessary for this
9 "is incorrect."

10 Q. That is not as I understand what
11 he said. He says that the Criminal Code
12 provides certain protection; he is not
13 saying the charter itself provided that
14 protection. If you put that in proper
15 continuity:

16 " The Criminal Code provides,
17 "however, that in the case of an
18 "incorporated bona fide social club
19 "or a branch thereof such club or
20 "branch shall not be deemed to be
21 "a gaming house if no fee . . ." -
22 etcetera, etcetera, is charged.

23 "The law provides that the onus of
24 "proving an incorporated social
25 "club is bona fide is on the club."

26 And so on.

27 "It permits gamblers to occupy a
28 "premises . . ." -
29 that is, the Code itself.

30 A. We related the word "it" to the



"Premises can be frequented openly and

"daily by a large number of people,

"under a great many circumstances.

"Such could also be the case when

"the persons are formed into an

"association or corporation.

"The law provides that the onus of

"that a charter is necessary for this

"is incorrect."

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"club is bona fide is on the club."

And so on.

"It permits gamblers to occupy a

"premises . . ."

that is, the Code itself.

A. We related the word "is" to the



1 word "charter".

2 Q. That is not as I read it.

3 A. It may very well be. Only Mr.
4 Wintermeyer would probably know when he used
5 the word "it" whether he was referring to the
6 "Code" or the "charter".

7 Q. On the plain meaning of the
8 language he used I think he is referring to
9 the Criminal Code and not the charter.

10 A. He is talking about the value
11 of a social club charter.

12 Q. That is right.

13 A. What makes it valuable.

14 Q. That is right.

15 A. So, we imply to the person listening
16 to Mr. Wintermeyer making the remark, once you
17 have a social club charter it permits certain
18 things; it permits gamblers to occupy, it
19 permits gamblers in the guise of a club to
20 do this, and it permits all sorts of things.

21 Q. You may be right.

22 A. If we deal with all of what it
23 permits we may achieve some conclusion. He
24 states on the left hand side:

25 "It permits gamblers in the guise of

26 "a club to have gambling equipment

27 "such as playing cards, dice, poker

28 "chips and other paraphernalia on

29 "the premises."

30 Our comment on the right is:



word "chapter".

Q. That is not as I read it.

A. It may very well be. Only Mr.

Wintermeyer would probably know when he used the word "it" whether he was referring to the "Code" or the "chapter".

Q. On the plain meaning of the language he used I think he is referring to the Criminal Code and not the chapter.

A. He is talking about the value

of a social club chapter.

Q. That is right.

A. What makes it valuable.

A. That is right.

A. So, we imply to the person listening

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Our comment on the right is:



1 "With respect to the reference
2 "to gambling equipment the Department
3 "would refer first to section 169(b)
4 "of the Criminal Code and also to the
5 "previous statement of policy supra
6 "where it was indicated that in all
7 "such charters since July 1st, 1950,
8 "there is included a provision to
9 "the effect that if the premises of
10 "a club are found fitted or provided
11 "with any means of contrivance for
12 "playing any game of chance or any
13 "mixed game of chance or skill,
14 "gaming or betting or with any device
15 "for concealing, removing or destroying
16 "such means or contrivances the
17 "Letters Patent may be cancelled,
18 "which provision is now a regulation.
19 "Mr. Wintermeyer's implication
20 "in this regard in respect of post-1950
21 "incorporation is incorrect."
22 "The reasoning of the Department is the
23 same as above.

24 We turn to page 54 and we have at the
25 top "95 1", and we have perhaps a clue as to
26 what he was intending. He says:
27 "It permits installation of a teletype
28 "system that provides sporting
29 "information on which gambling can
30 "take place."



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 "It permits installation of a teletype
 "system that provides sporting
 "information on which gambling can



1 Our statement on the right is:
2 " Mr. Wintermeyer states that a
3 "charter permits the installation of a
4 "teletype system; it is suggested that
5 "he implies by this that it is necessary
6 "to have a charter in order to have
7 "a teletype system installed. The
8 "Department suggests that this
9 "implication is incorrect in that
10 "Letters Patent do not give any
11 "special right to such equipment."

12 I do not believe, Mr. Commissioner, that
13 the Criminal Code, if we try to relate these
14 permissions back to the Criminal Code, at
15 the moment I do not think the Criminal Code
16 permits installation of a teletype system.
17 Our only conclusion was that these items
18 he was talking about, that it permits, that
19 the charter permits. If you could have a
20 charter in your hand on behalf of a group
21 you would get all these permits which in
22 other circumstances you would not have.

23 Q. Just a moment, please.

24 The benefits accruing from the provision
25 in the Criminal Code are limited to incor-
26 porated bona fide social clubs or branches
27 thereof. I am rather inclined to agree
28 with you, that Mr. Wintermeyer is saying
29 that where you have an incorporated social
30 club and it is bona fide protection is given



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club and it is bona fide protection is given



1 that would not otherwise be available. In other
2 words, to get the protection you must have
3 the incorporation.

4 A. When we were discussing in the
5 brief the provisions of the Criminal Code,
6 the Criminal Code says that a bona fide
7 incorporated social club can charge ten cents
8 an hour or fifty cents a day without being a
9 common gaming house; that is an exemption of
10 the Criminal Code. The Criminal Code does
11 not refer to these other items Mr. Wintermeyer
12 says it permits. You can have an unincorporated
13 association, and there are many in this city,
14 that people gather together and meet and it
15 may be possible to have a teletype system -
16 I am not familiar with them - but if you meet
17 the requirements of the Board of Transport
18 I understand you can have a teletype system
19 whether you are incorporated or not
20 incorporated, or whether you are a social
21 club or not a social club. I am not
22 familiar with these matters; but, the charter
23 we issue gives no special rights in respect
24 of this and in respect of the ten cents per
25 hour. We have a provision that if you
26 charge the ten cents, in the post-1950, we
27 will cancel your charter. Mr. Wintermeyer
28 did not differentiate between the provisions
29 in the pre-1950 and the post 1950 and it
30 would appear to the public that as long as



that would not otherwise be available. In other words, to get the protection you must have the incorporation.

A. When we were discussing in the brief the provisions of the Criminal Code, the Criminal Code says that an incorporated social club can charge ten cents an hour or fifty cents a day without being a common gaming house; that is an exemption of the Criminal Code. The Criminal Code does not refer to these other crimes Mr. Wintermeyer says it permits. You can have an unincorporated association, and there are many in this city, that people gather together and meet and it may be possible to have a teletype system - I am not familiar with them - but if you meet the requirements of the Board of Transport I understand you can have a teletype system whether you are incorporated or not.

incorporated, you are not a social club or not a social club. I am not familiar with these matters; but, the chapter we issue gives no special rights in respect of this and in respect of the ten cents per hour. We have a provision that if you charge the ten cents, in the post-1950, we will cancel your charter. Mr. Wintermeyer did not differentiate between the provisions in the 1944-1950 and the post 1950 and it would appear to the public that as long as



1 you had a charter of any kind issued at any time
2 you had the benefits of the exception within
3 the Criminal Code. It may be it could have,
4 as I said once, and it has happened, that
5 incorporated social clubs have charged ten
6 cents, and we will be referring to it, and
7 cancellation followed. We will be dealing
8 with one specific instance in detail.

9 Q. All right.

10 A. The second paragraph on page 54,
11 Mr. Wintermeyer stated as follows:

12 " Mr. Speaker, professional
13 "gamblers regard a social club charter
14 "as a certain road to fortune. It
15 "provides the front for their
16 "illegal operations. . . .

17 -----

18 " Mr. Speaker, the existence of
19 "a social club charter provides
20 "protection for the keepers of gaming
21 "houses and for those who are
22 "found-in on police raids, because
23 "it is very difficult for police
24 "to obtain conclusive proof of the
25 "operation of gaming when all the
26 "paraphernalia can be removed or
27 "concealed in less than one minute
28 "or explained away as legitimate
29 "recreational equipment."

30 And the comment of the Department on the

And the comment of the Department on the

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you had a charter of any kind issued at any time



1 right is as follows:

2 " The statement implies that
3 "Letters Patent permit the club to
4 "delay lawful entry to its premises,
5 "to police officers.

6 -----
7 "The Department has pointed out
8 "supra its provision in this regard,
9 "so here again Mr. Wintermeyer's
10 "implication is incorrect."

11 THE COMMISSIONER: Well, it is 5.00 o'clock.
12 10.00 o'clock.

13
14 ---Whereupon the hearing adjourned at 5.00 o'clock
15 p.m., on Tuesday, 11th September, 1962, until
16 10.00 o'clock a.m. on Wednesday, 12th
17 September, 1962.
18
19
20
21
22
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26
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30



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The following is the text of the letter:

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"supra its provision in this regard,

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"implication is incorrect."

THE COMMISSIONER: Well, it is 5.00 o'clock.

10.00 o'clock.

---Whereupon the hearing adjourned at 5.00 o'clock
on Tuesday, the 22nd day of September, 1922.
10.00 o'clock a.m. on Wednesday, 23rd
September, 1922.

46

VOLUME NO.

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT
OF PROCEEDINGS

Date..Wednesday..Sept..12/62

pp 9466 - 9599



Supreme Court Reporters
145 Yonge St.
Toronto



A/1/FAL

WEDNESDAY, SEPTEMBER 12, 1962

---On resuming at 10:15 o'clock a.m.

JOHN YAREMKO, resumes the stand

THE WITNESS: Mr. Commissioner, I would ask your indulgence to give me a couple of minutes at the outset this morning for me to do something which perhaps I should have done at the outset of the presentation of this material yesterday for the record.

As you know, I provided you with copies of a draft brief some time ago to assist you in preparation of yourself for the hearing today. The material which was presented to you, and which we are considering, was delivered to the Buildings, to my office, at two o'clock yesterday (sic) afternoon from the printers.

Now, it had been my intention --

THE COMMISSIONER: Q. Not yesterday afternoon?

A. The day before.

I spent all Monday night, from eleven o'clock at night time until one o'clock in the morning, and I got up at six, to check any typographical errors, and fortunately very few have shown up.

At the outset of yesterday morning I had intended to review for the record - not for



---on receiving at 10:15 o'clock a.m.

ALLIANCE - ...

THE ...

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At the outset of yesterday morning I

had intended to review for the record - not for



1 you, because you were already familiar with
2 it - the documents being presented, the four
3 documents, because there has been some comment
4 in the press in that regard. Perhaps if I
5 had made my statement yesterday it would have
6 been better understood.

7 The brief proper of the Department
8 consists of some 98 pages, which we have
9 whittled down to make as concise a statement
10 as possible for your consideration without
11 unduly encumbering it. To assist in under-
12 standing the brief and deal with specific
13 information we filed three appendices. There
14 is this book which contains appendices from
15 B to O and the appendices of F and I. They
16 all contain material which we felt was relevant
17 to the hearing, to save the Commissioner time.
18 I would like to read the front page.

19 " APPENDIX B

20 "Functions of the divisions of the
21 "Department of the Provincial Secretary
22 "and Citizenship (other than the
23 "Companies Division)"

24 That was prepared to provide background
25 material if anyone needed it.

26 C was "Affidavit of Provincial Secretary
27 in Stainer case". That was to give some
28 indication - it was the only instance we have
29 had in recent years of a court being asked for
30 a mandamus - to illustrate the width of the



you, because you were already familiar with it - the documents being presented, the form documents, because there has been some comment in the press in that regard. Perhaps if I had made my statement yesterday it would have been better understood.

The brief report of the hearings consists of some 88 pages, which we have written down to make an concise statement as possible for your consideration without unduly encumbering it. To assist in understanding the brief and deal with specific information we filed three appendices. There is this book which contains appendices from B to O and the appendices of T and U. They all contain material which we felt was relevant to the hearing, to save the Commission time. I would like to read the third page.

"APPENDIX B"

"Functions of the divisions of the Department of the Provincial Secretary and Citizenship (other than the 'Citizenship Division')"

That was prepared to provide background material if anyone needed it.

"A summary of the material received in the case." That was to give some indication - it was the only instance we have had in recent years of a court being asked for a summary - to illustrate the work of the



1 discretion.

2 We supplied you with annual return forms
3 to indicate certain changes visually.

4 We have provided, in Appendices F, G, H
5 and I consideration of the files of the
6 Department which go back eleven and one half
7 years.

8 Appendix F, which is this large appendix
9 which stunned - at least that is the inter-
10 pretation some newspapers put on it - counsel
11 consists of 1981 pages giving the details --
12 the various details of a club. One club
13 per page.

14 Appendix I were those which were refused;
15 some 186.

16 Then, Appendices H and I were -- Appendices
17 G and H concerned some 18 and, I believe,
18 30 files - I am using rough figures. All
19 this material was produced at the request of
20 counsel on behalf of the Commission because
21 were we to have wheeled into this room 1219
22 files, and each file consisting of anywhere
23 from 50 to 200 pages - multiply 1200 files
24 by 200 pages - we would have had a tremendous
25 amount of material. The Department believes
26 this material contains, at the time of
27 preparation, every file we have dealt with in
28 the last eleven and a half years.

29 Had we not prepared this material
30 Commission counsel and yourself, quite properly,



We supplied you with annual return forms

to indicate certain changes visually.

We have provided, in Appendix B, C, D

and I consideration of the files of the

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Appendix B, which is the large appendix

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Had we not produced this material



1 may have been required to go into the Department's
2 offices and to have done yourselves what we
3 have prepared here in these documents. As
4 I stated in the analysis of Mr. Wintermeyer's
5 speech, the files are available and as each
6 item is dealt with if the Commissioner wishes
7 to see the file we will have it either here
8 physically -- we will have certain files we
9 anticipate you will be interested in and others
10 will be in the Buildings.

11 I believe every piece of material
12 prepared here, these indices, were prepared
13 at the request of Commission counsel because
14 it was understood by him we were going to bring
15 into this hearing detail of every file we have
16 had which we thought was relevant in the last
17 eleven and a half years, and this is this
18 material.

19 Now, at the close of yesterday's hearing
20 we were dealing with page 53, Mr. Commissioner,
21 and perhaps our explanation may have clarified
22 the matter prior to adjourning but on page 9458
23 of the transcript you indicated as follows:

24 "Maybe tomorrow you will be able

25 "to further enlighten me on it."

26 I turn now to page 53, the last paragraph.

27 Mr. Wintermeyer stated as follows:

28 " The Criminal Code provides,

29 "however, that in the case of an

30 "incorporated bona fide social club



may have been required to go into the Department's
 offices and to have done yourselves what we
 have proposed here in these documents. As
 I stated in the analysis of Mr. Wintermeyer's
 report, the file was submitted to me
 then is dealt with in the Commission's report
 to see the file we will have the other hand
 physically -- we will have certain files to
 anticipate you will be interested in and others
 will be in the file.

I believe every piece of material
 at the request of Commission counsel because
 it was understood by him we were going to bring
 into this hearing detail of every file we have
 had which we thought was relevant in the case
 eleven and a half years, and this is this
 material.

Now, at the close of yesterday's hearing
 we were dealing with page 5, Mr. Wintermeyer,
 and perhaps our explanation may have clarified
 the matter prior to adjourning but on page 5
 of the transcript you indicated as follows:
 "Maybe tomorrow you will be able
 "to further enlighten me on it."
 I turn now to page 5, the last paragraph.

Mr. Wintermeyer stated as follows:
 "The Criminal Code provides,
 "however, that in the case of an



1
2 "or a branch thereof such club
3 "or branch shall not be deemed
4 "to be a gaming house if no fee
5 "in excess of ten cents an hour
6 "or 50 cents a day is charged to
7 "the players. The law provides
8 "that the onus of proving an
9 "incorporated social club is bona
10 "fide is on the club." -

11 Now, here are the key words -

12 "It is this exception which makes
13 "a social club charter so valuable
14 "to professional gamblers."

15 Then, our comment on the right hand side,
16 at the end of the third paragraph:

17 "Mr. Wintermeyer's implication that
18 "this exception is available in
19 "the instance of post-1950 charters
20 "is incorrect."

21 Perhaps I could recapitulate for you,
22 Mr. Commissioner.

23 An incorporated social club in Ontario,
24 as was stated earlier in the brief, is subject
25 to the laws of Ontario exactly as everyone else
26 is, without exception. It is subject to
27 the criminal laws of Canada - not the criminal
28 laws of Ontario, because as you know better
29 than anyone in this room we have no jurisdiction.
30 It is subject to the criminal laws of Canada,



"or a branch thereof such club

"or branch shall not be deemed

"to be a gaming house if no fee

"in excess of ten cents is paid

"or 50 cents a day is charged to

"the player. The law provides

"that the club of providing an

"incorporated social club is bona

"fide is on the club."

Now, here are the key words -

"It is this exception which makes

"a social club exempt so various

"the law is interpreted."

Then, our comment on the right hand side,

at the end of the third paragraph:

"The law is interpreted as follows:

"this exception is available in

"the law is interpreted as follows:

"is incorrect."

Perhaps I could rephrase for you,

Mr. Chairman,

An incorporated social club in Ontario,

as was stated earlier in the bill, is subject

to the laws of Ontario exactly as everyone else

is, without exception. It is subject to

the criminal laws of Canada - not the criminal

laws of Ontario, because as you know better

than anyone in this room we have no jurisdiction.

It is subject to the criminal laws of Canada,



1 the same as everyone else; except the Criminal
2 Code, in the wisdom of the Parliament of
3 Canada, provides an exception which says that
4 a bona fide incorporated social club can charge
5 ten cents an hour or 50 cents a day and not
6 be guilty of keeping a common gaming house.
7 The Criminal Code of Canada says if you are
8 an incorporated bona fide social club you can
9 charge this and it is legal, and I assume that
10 it is proper.

11 But, in Ontario, since 1950, we, not
12 having the right to delete that from the Criminal
13 Code, have coped with it in a different way.
14 If an incorporated bona fide social club, as
15 such, is charged it can go to a magistrate
16 and say, "It is true, we were charging but
17 we were charging ten cents a day (sic) and
18 50 cents an hour (sic)", and the magistrate
19 decides -- he finds as a fact that the club
20 was charging ten cents an hour, fifty cents a
21 day and he dismisses the charge. He dismisses
22 the charge and acquits them. The matter
23 is brought to our attention and if it is one
24 of the 1,033 clubs which have been incorporated
25 since the 1st of July, 1950 - all these names
26 you have before you - if that is brought to
27 our attention we then take steps to cancel
28 the charter; and that has been done.

29 You will notice in Appendix J Club
30 Macedonia, the most recent one. In those



the same as everyone else; except the Criminal Code, in the wisdom of the Parliament of Canada, provides an exception which says that a bona fide incorporated social club can charge ten cents an hour or 50 cents a day and not be guilty of keeping a common gaming house. The Criminal Code of Canada says if you are an incorporated bona fide social club you can charge this and it is legal, and I assure that it is proper.

But, in Ontario, since 1930, we, not having the right to collect what from the Criminal Code, have copied with it in a different way. If an incorporated bona fide social club, as such, is charged it can go to a magistrate and say, "it is true, we were charging but we were charging ten cents a day (etc) and 50 cents an hour (etc)", and the magistrate decides -- he finds as a fact that the club was charging ten cents an hour, fifty cents a day and he dismisses the charge. He dismisses

the charge and acquits them. The matter is brought to our attention and it is one of the 1,083 clubs which have been incorporated since the 1st of July, 1930 - all these names you have before you - it that is brought to our attention we then take steps to correct the error; and that has been done. You will notice in Appendix I of the Memoranda, the most recent one. In these



1 proceedings I requested a copy of the transcript
2 of evidence given before the magistrate. I
3 accepted the magistrate's finding, that he
4 found that they were charging ten cents an
5 hour, I believe in that instance, but not more
6 than fifty cents a day, and he acquitted the
7 accused. The matter was brought to our
8 attention. We instituted proceedings. I
9 may say, the people who were operating -- at
10 least, the club members, the executive, felt
11 they were very hard done by. They were innocent
12 it seemed so they thought they had the right
13 to charge the ten cents. We pointed out,
14 "In your letters patent if you do what you
15 thought in the Criminal Code was legal we
16 can still cancel"; and I, as Provincial Secretary,
17 in that instance did cancel.

18 Q. I have understood that was the
19 purpose of adding that as a condition in the
20 charter.

21 A. So, when Mr. Wintermeyer says:

22 "It is this exception which makes
23 "a social club charter so valuable
24 "to professional gamblers."

25 We make the comment:

26 "Mr. Wintermeyer's implication
27 "that this exception is available
28 "in the instance of post-1950
29 "charters is incorrect."

30 Q. All right.



proceedings I requested a copy of the transcript
of evidence given before the magistrate. I
found that they were charging ten cents an
hour, I believe in that instance, but not more
than fifty cents a day, and he accepted the
scored. The matter was brought to our
attention. We instructed proceedings. I
least, the club members, the executive, told
they were very hard done by. They were innocent
in seeing so they thought they had the right
to change the ten cents. We pointed out,
"Is your father's patent if you do what you
thought in the Criminal Code was legal no
one shall cancel"; and I, as Provincial Secretary,
in that instance did cancel.
Q. I have understood that was the
purpose of adding that as a condition in the
A. It is this exception which makes
"a social club charter so valuable
to professional gamblers."
We make the comment:
"Mr. Wintermeyer's application
that this exception is available
in the instance of post-1900
charter is incorrect."



1 A. Then, there was a question of
2 whether the words "it permits" -- I do not
3 know whether -- We have taken the speech
4 piecemeal to subject it to the scrutiny, as
5 people would when they are examining something,
6 to be able to understand^{the} trees and not get
7 lost in the forest. If you were to read
8 the speech of Mr. Wintermeyer, page 95 of Hansard -
9 because this is one of the crux of the matters --
10 I would like your permission to read it from
11 Hansard continuously.

12 He says, and I am starting at the top
13 of the left hand column --

14 Q. Yes, I see it.

15 A. "The Criminal Code provides,
16 "however, that in the case of an
17 "incorporated bona fide social club . . ."
18 Perhaps I may stop for a moment.

19 Under the Criminal Code it is not just
20 sufficient to be incorporated, you have to be
21 a bona fide club and you have to prove in court
22 when you are charged not only that you are
23 incorporated - the production of a charter
24 is not the answer under the Criminal Code -
25 you have to go one step further, you have to
26 prove you are a bona fide social club.

27 The Provincial Secretary's Department
28 is not in a position to go -- is never called
29 to go in a magistrate's court. The onus
30 is on the accused to prove that they are bona



A. Then, there was a question of

whether the words "it permits" -- I do not

know whether -- We have taken the speech

placed to subject it to the printing, as

people would when they are examining something.

One

to be able to understand, then and not get

lost in the forest. If you were to read

the speech of Mr. Montgomery, page 95 of Harbort's

because this is one of the axes of the matter --

I would like your permission to read it from

the same.

He says, and I am starting at the top

of the same.

I am not.

A. "The Criminal Code provides,

"however, that in the case of an

"incorporated bond like social club . . ."

Perhaps I may stop for a moment.

Under the Criminal Code it is not just

sufficient to be incorporated, you have to be

a bona fide club and you have to prove in court

when you are charged not only that you are

incorporated -- the provision of chapter

is not the answer under the Criminal Code --

you have to go one step further, you have to

prove you are a bona fide social club.

The Provincial Secretary's Department

is not in a position to go -- is never called

to go in a magistrate's court. The ones

in on the record to prove that they are bona



1 fide. So, you have, to get the benefit of
2 the Criminal Code, you have to have the two
3 things; and that appears to have been lost
4 sight of by a great many people.

5 ". . . and incorporated bona fide
6 "social club or a branch thereof
7 "such club or branch shall not be
8 "deemed to be a gaming house if no
9 "fee in excess of ten cents an hour
10 "or 50 cents a day is charged to
11 "the players. The law provides that
12 "the onus of proving an incorporated
13 "social club is bona fide is on the
14 "club."

15 Now, we begin:

16 "It is this exception which makes a
17 "social club charter so valuable to
18 "professional gamblers. It permits
19 "gamblers to occupy a premises that
20 "can be frequented openly and daily
21 "by a large number of people. It
22 "permits gamblers in the guise of a
23 "club to have gambling equipment such
24 "as playing cards, dice, poker chips,
25 "and other paraphernalia on the
26 "premises. It permits installation
27 "of a teletype system that provides
28 "sporting information on which gambling
29 "can take place.

30 " Mr. Speaker, professional gamblers



that, so, you have, to get the benefit of

the company, the law is not to be

think, and that appears to have been just

right of by a great many people.

"... and incorporated bona fide

"social club on a branch thereof

"the law is not to be

"seemed to be a gaming house if it

"too in excess of ten cents an hour

"or 50 cents a day is charged to

"the players. The law provides that

"the cost of proving an incorporated

"social club is bona fide is on the

"law."

"the law is not to be

"It is this exception which makes a

"social club exempt or valuable to

"professional gamblers. It permits

"gamblers to occupy a premises that

"can be frequented openly and legally

"by a large number of people. It

"permits gamblers in the case of a

"club to have gambling equipment such

"as playing cards, dice, poker chips,

"and other paraphernalia on the

"premises. It permits installation

"of a telephone system that provides

"for the convenience of the gamblers

"can take place.

"the law is not to be



1 "regard a social club charter as
2 "a certain road to fortune. It
3 "provides the front for their
4 "illegal operations. A gaming house
5 "with a club charter can delay entry
6 "by posting look-outs, by having doors
7 "with knobs or handles, by having a
8 "steward beside the door who only
9 "opens to persons he knows. Gaming
10 "houses with charters excuse these
11 "wilful obstructions on the ground that
12 "as a club they have a restricted
13 "membership and have to take pre-
14 "cautions against intruders. As it
15 "takes as little as one minute to
16 "clear evidence of gaming even a
17 "slight delay frustrates police in
18 "their efforts to secure evidence.
19 " Mr. Speaker, the existence of
20 "a social/club charter provides
21 "protection for the keepers of gaming
22 "houses and for those who are found-
23 "in on police raids, because it is
24 "very difficult for police to obtain
25 "conclusive proof of the operation of
26 "gaming when all the paraphernalia
27 "can be removed or concealed in
28 "less than one minute or explained
29 "away as legitimate recreational
30 "equipment."



"provides the basis for their
"alleged operations. A gaming house
"with a club character can delay entry
"by posting look-outs, by having doors
"with knobs or handles, by having a
"secret entrance and exit way
"opens to persons he knows, knowing
"these are persons who come from
"willful obstructions on the ground that
"as a club they have a restricted
"membership and are not open to
"persons against interests. As it
"takes no little as one minute to
"obtain evidence of gaming even a
"small club frequently will be
"their efforts to secure evidence.
"Mr. Spence, the existence of
"a restricted membership
"protection for the keeping of gaming
"houses and for those who are found
"in on police raids, because it is
"very difficult for police to obtain
"conclusive proof of the operation of
"clubs and all the members
"can be removed or concealed in
"less than one minute on occasion
"away as legitimate recreational
"equipment."



1 You will note, over and over again he
2 uses the expression "The existence of a
3 social club charter", not "the existence of
4 a social club"; it is the "charter" which does
5 all these things.

6 I reviewed for you these 1,033 clubs --
7 these 981, the list of names which you will
8 read. You will see the type of individual
9 involved and the type of club.

10 If they charge ten cents an hour, which
11 is legal and proper, we have cancelled. I
12 cannot anticipate but I always decide each
13 case on its merits; we have cancelled for that.

14 Locks and bars. We have had three
15 complaints made. When we are in our homes --
16 In my home I have a lock. When I walk in
17 it snaps shut, it locks itself. We have been
18 broken into. The door is locked always,
19 whether we are in or out, unless my wife is
20 in the garden. Social clubs - barricades.
21 The social club, if it is brought to our
22 attention that they lock the door, not just a
23 barricade, but if they lock the door, which
24 is a fair and reasonable precaution for people
25 with premises to take, we write them a letter
26 and say, "You keep that door unlocked". We
27 have done that. We interpreted that lock
28 as a barricade.

29 We will come to the consideration of
30 the Centre Road Club, for which I signed the



You will note, even and over again he

uses the expression "the existence of a

social club charter", not "the existence of

a social club"; it is the "charter" which does

all the work.

I reviewed for you these 1,000 clubs --

these 100, the list of names which you will

read. You will see the type of individual

involved and the type of club.

If they charge ten cents an hour, when

is legal and proper, we have cancelled. If

they charge ten cents an hour, when

case on its merits; we have cancelled ten times.

There are many, many more.

complaints made. When we are in our houses --

in my home I have a lock. When I walk in

it snaps shut, it locks itself. We have been

broken into. The door is locked always,

whether we are in or out, unless my wife is

in the garden. Social clubs -- parties.

The social club, if it is to be a

attention that they lock the door, not just a

particade, but if they lock the door, which

is a fair and reasonable precaution for people

with premises to take, we write them a letter

and say, "You keep that door unlocked". We

are not going to have a

as a particade.

We will come to the consideration of

the Centre Road Club, for which I should



1 cancellation order. The piece of evidence -
2 it is not in the brief but it has probably
3 been found and brought to your attention, one
4 of the clauses under which I found there had
5 been a breach of the letters patent, it was
6 a bolt a couple of inches long, a detachable
7 bolt, and I found as a cause that that was a
8 barricade and that was one of the grounds
9 upon which I found sufficient cause to cancel
10 that charter.

11 Now, Mr. Wintermeyer in making --

12 Q. We have had photographs showing
13 huge timbers barricading the doors.

14 A. I have read the testimony in the
15 press.

16 We mention there have, in this period,
17 been three complaints about barricades. In
18 those three instances the presence of the
19 barricades was evidence. In fact, in the
20 Centre Road Club, if you recall -- I do not
21 know whether it has been presented, but it
22 can be presented -- it was the Provincial
23 Secretary's Department who wrote it to the
24 Chief and said, "This is the type of thing
25 we require evidence of in order to --".
26 That type of evidence was subsequently produced.

27 So, all these things which the man
28 on the street, I suggest, Mr. Commissioner,
29 has been led to believe that there is something
30 magic about a social club charter, that it



cancellation order. The piece of evidence -

it is not in the order but it has previously been found and brought to your attention, one of the clauses under which I found there had been a breach of the letters patent, it was a bolt a couple of inches long, a considerable size, and I found as a clause that there was a clause which I found existed some to cancel that clause.

Q. We have had photographs showing the clause which was cancelled.

A. I have read the testimony in the patent.

We mention there have, in this period, been three complaints about cancellations. In those three instances the presence of the cancellations was evidence. In fact, in the Gentle Reed Club, if you recall -- I do not know whether it has been presented, but it can be presented -- it was the Provincial Secretary's Department who wrote it to the Chief and said, "While in the type of thing we require evidence of in order to --".

That type of evidence was subsequently produced. So, all these things which the man on the street, I suggest, Mr. Commissioner, has been led to believe that there is something about a social club matter, that it



1 permits these things which otherwise would
2 not be permitted.

3 "It permits gamblers to occupy a

4 "premises that can be frequented

5 "openly and daily by a large

6 "number of people."

7 There are many places in this city, any
8 night of the week, which are frequented openly
9 and daily by a large number of people. You
10 do not need a social club charter. There are
11 many social clubs - I am considering one
12 which has been in operation for a considerable
13 number of years unincorporated and their members
14 have been meeting regularly and having functions
15 in large numbers without the benefits of
16 a charter.

17 The advantages of a charter are those
18 which we -- The real advantages for the
19 citizen are those that we reviewed yesterday,
20 the limited liability, the continuance.

21 "It permits gamblers in the guise

22 "of a club to have gambling equipment

23 "such as playing cards, dice, poker

24 "chips and other paraphernalia

25 "on the premises."

26 These clubs that we have -- If you
27 read the names in Appendix F, for example,
28 -- If a pack of cards is found on these premises
29 that can be, I do not say "will be", but that
30 can be sufficient cause for cancellation of



...the

not be permitted.

"It permits members to occupy a

"premises that can be frequented

"openly and daily by a large

"number of people."

There are many things in this city, in

right of the week, which are frequented openly

and daily by a large number of people. You

do not need a social club charter. There are

many social clubs - I am considering one

which has been in operation for a considerable

number of years unincorporated and their members

have been meeting regularly and having functions

in large numbers without the benefit of

a charter.

The advantage of a charter are three

which we -- The real advantage for the

club is those that we reviewed yesterday,

the limited liability, the convenience.

"It permits members in the club

"of a club to have general agreement

... ..

... ..

... ..

These clubs that we have -- If you

read the names in Appendix V, for example,

-- If a book of clubs is found on these premises

that can be, I do not say "will be", but that

can be sufficient cause for consideration of



1 letters patent because a pack of cards is
2 gambling paraphernalia.

3 Q. I cannot say there I entirely
4 agree with you. A pack of cards can be a
5 very innocent piece of equipment.

6 A. Well, your honour --

7 Q. If you came into my house you
8 would probably find half a dozen packs of cards
9 not entirely for bridge games. I would be
10 shocked if someone suggested, because we had
11 half a dozen packs of cards in the living room,
12 that that would be evidence that we were
13 using the living room for gambling purposes.

14 A. A pack of cards is gambling
15 paraphernalia.

16 Q. It can be used, I will agree with
17 that, for gambling purposes; but in essence it
18 is not a piece of gambling equipment.

19 A. The provision --

20 Q. The inherent nature of the thing
21 does not stamp it as a piece of gambling
22 equipment. However, all this is beside
23 the point.

24 A. I just wanted to clarify our
25 explanation, to illustrate to you that the
26 relationship of "it permits" was related not
27 to the Criminal Code, as perhaps you may have
28 assumed on reading because it is the first
29 word, but it related to the charter.

30 Q. All right.



between parent cocaine & pack of cards is

identical.

A. I agree with you.

A pack of cards can be a

very common piece of evidence.

A. Well, your honor --

Q. If you came into my house you

would probably find half a dozen packs of cards

not entirely for bridge games. I would be

interested in someone suggested, because we had

half a dozen packs of cards in the living room,

that that would be evidence that we were

using the living room for gambling purposes.

A. A pack of cards is gambling

equipment.

Q. It can be used, I will agree with

that, for gambling purposes; but evidence is

is not a piece of gambling equipment.

A. The provision --

Q. The inherent nature of the thing

does not stamp it as a piece of gambling

equipment. However, all this is beside

the point.

A. I just wanted to clarify my

explanation, to illustrate to you that the

relationship of "it provides" was related not

to the Criminal Code, as perhaps you may have

assumed on reading because it is the first

word, and it related to the context.

Q. All right.



1 A. Now, on page 54, at the bottom
2 of the page on the left, Mr. Wintermeyer
3 stated:

4 "Because the power to
5 "incorporate resides in the Crown
6 "the power to cancel a charter
7 "also rests in the Crown."

8 Then, he proceeded to review. On the
9 right we say:

10 "The laws of the Province and
11 "the policy of the Department with
12 "respect to the incorporation and
13 "cancellation of social club charters
14 "have been set out at length supra."

15 And that was in the brief proper, as
16 you will recall.

17 At page 55, at the top, he says:

18 "The significance of this
19 "ruling, Mr. Speaker, is that the
20 "Provincial Secretary can initiate
21 "an action for cancellation of a
22 "social charter."

23 On the right our comment is as follows:

24 "The Legislature has given
25 "the Department neither the power
26 "nor has it the staff to determine
27 "whether corporations incorporated
28 "under the law of Ontario are complying
29 "with the general laws of Ontario
30 "and of Canada and of the criminal



A. Now, on page 24, at the bottom

of the page on the left, Mr. Wintomney

stated:

"Measure the power to

"the power to cancel a charter

then, he proceeded to review, on the

right side of the page, the

"The laws of the Province and

"the power of the Legislature and

"the power of the Government and

"the power of the people and

And that was in the brief paper, on

you will recall.

As page 24, at the top, he said:

"The right of the people to

"being, Mr. Speaker, is that the

"the right of the people to

"an action for cancellation of a

"social charter."

On the right our comment is as follows:

"The Legislature has given

"the right of the people to

"has the right to demand

"under the law of Ontario are

"with the general law of Ontario

"and of Canada and of the original



1 "law in particular. This is the
2 "accepted responsibility of the
3 "regular police officials in the
4 "Province who are equipped to do
5 "this work and have done so as
6 "demonstrated by the reports made
7 "to the Department. In most cases
8 "the Department is not unaware . . . " -

9 That should be "not aware".. That is a typo-
10 graphical error, Mr. Commissioner -

11 ". . . In most cases the Department
12 "is not aware of the fact that any
13 "corporation is violating the laws
14 "of the Province or of Canada until
15 "a report to that effect is sent to
16 "the Department by the police. . . .

17
18
19 " In those circumstances, the
20 "Department itself initiates an
21 "investigation, usually by requiring
22 "the corporation to produce all its
23 "books and, in addition, often by
24 "requesting the Ontario Provincial
25 "Police or the local police to make
26 "an investigation and to report to
27 "the Department on matters which
28 "might ~~be~~ lead to sufficient cause
29 "to cancel the letters patent."

30 On page 56, at the top left, Mr. Wintermeyer



On page 50, at the top left, Mr. Commissioner
"to cancel the letters patent."
"might be lead to wrongful cases
"an investigation and to report to
"Police or the local police to make
"regarding the Ontario Provincial
"books and, in addition, often by
"the corporation to produce all the
"investigation, results of which
"Commissioner shall initiate in
"In those circumstances, the
"the Department by the police. . . .
"a report to that effect is sent to
"of the Province or of Canada until
"corporation is violating the law
"is not aware of the fact that any
". . . . In most cases the Department
graphical error, Mr. Commissioner -
That should be "not aware". . . That is a typo-
"the Department is not unaware. . . ."
"to the Department. In most cases
summarized in the following
This case was sent to the
Provisional Committee to be
Provisional Committee. This is the
The following:



1 stated:

2 " They provide that the letters
3 "patent of a social club, other than
4 "a service club, shall limit the
5 "location of the club's activities,
6 "clubhouse or premises. Since 1960
7 "this restriction has been set out
8 "in law. This section forbids a
9 "social club to change the location
10 "of any of its premises without the
11 "written permission of the Provincial
12 "Secretary."

13 On the right we say:

14 " As set out supra the policy
15 "of the Department since July 1950,
16 "has been to provide in all Letters
17 "Patent since that date, where the
18 "objects are in whole or in part of
19 "a social nature, except in the case
20 "of a recognized service club, that
21 "the location of the activities or
22 "of the premises shall be limited
23 "to a particular street address.
24 "As previously mentioned this policy
25 "was codified in the regulations in
26 "1954 and so became 'law' then.
27 "Accordingly Mr. Wintermeyer's statement
28 "'since 1960 this restriction has been
29 "set out in law' is inaccurate.
30 "Presumably Mr. Wintermeyer is referring



Section:

"They provide that the letters
 "of a social club, which have
 "a service club, shall limit the
 "location of the club activities
 "to houses on premises. Since 1950
 "this restriction has been removed
 "and the club activities are now
 "social club to include the location
 "of any of its premises without the
 "written permission of the Provincial
 "Government.
 "On the right we say:
 "As the club activities are now
 "of the Department since July 1950,
 "has been to provide in all letters
 "Patent since that date, where the
 "objects are in whole or in part of
 "a social nature, except in the case
 "of a recognised service club, that
 "the location of the activities of
 "of the premises shall be limited
 "to a particular street address.
 "As previously mentioned this policy
 "was embodied in the regulations in
 "1954 and so became 'law' then.
 "Accordingly Mr. Winthrop's statement
 "that since 1950 this restriction has been
 "put out in law, is inaccurate.
 "Previously to, however, it was



1 "to the 1960 amendment set out supra
2 "which provided that on and after
3 "April 12th, 1960, no social club,
4 "whether incorporated before or
5 "after the new policy was adopted
6 "and even where its Letters Patent
7 "do not limit its activities or
8 "premises to a particular street
9 "address can thenceforth change
10 "the location thereof without the
11 "prior consent of the Provincial
12 "Secretary."

13 Mr. Wintermeyer stated on the left:

14 " The regulations also provide
15 "that the letters patent of all social
16 "clubs must contain two clauses, the
17 "first stating that the exemption
18 "for legal rake-off provided by the
19 "Criminal Code will not prevent
20 "cancellation of a club charter . . . " -

21 He did not stop there but went on to say -

22 ". . . if it is shown to the
23 "satisfaction of the Provincial
24 "Secretary that the club is being
25 "used as a common gaming house."

26 On the right we say:

27 " Mr. Wintermeyer has mis-
28 "construed the regulation in question.

29 " Under Section 168(2) of the
30 "Criminal Code an incorporated bona



"to the 1960 amendment set out above

"the 1960 amendment set out above

"April 1960, 1960, no social club,

"whether incorporated before or

"after the new policy was adopted

"and even where its letters stated

"do not limit its activities on

"premises to a particular street

"address can therefore change

"the location thereof without the

"prior consent of the Provincial

"Secretary."

"The regulations also provide

"The regulations also provide

"that the letters patent of all social

"clubs must contain two clauses, the

"first clause must read as follows:

"For legal notice provided by the

"Provincial Code will not prevent

"cancellation of a club charter."

He did not stop there but went on to say -

"... it is shown to the

"satisfaction of the Provincial

"Secretary that the club is being

"used as a common gaming house."

On the right we say:

"Mr. McIntyre has also

"Under section 168(2) of the

"Provincial Code as incorporated here



1 "fide social club can charge a fee
2 "of 10 cents an hour or 50 cents
3 "per day per person for the privilege
4 "of participating in games without
5 "its being guilty of keeping a common
6 "gaming house. On the other hand,
7 "the special provision referred to
8 "by Mr. Wintermeyer which has been
9 "included in all social club Letters
10 "Patent since July 1st, 1950, provides
11 "affirmatively that if such a club
12 "charges any fee for the privilege
13 "of playing games on its premises,
14 "even the fee permitted by the Code,
15 "this will be sufficient cause for
16 "the cancellation of the charter."
17 On the left hand side of page 57 Mr.

18 Wintermeyer stated:

19 " Now, Mr. Speaker, what is
20 "the policy of the Conservative
21 "Government towards chartered social
22 "clubs suspected of being gaming
23 "houses? The answer to that
24 "question is contained in a statement
25 "made by the hon. Attorney-General
26 "in this Legislature on February 23,
27 "1959, . . ."

28 On the right we say:

29 " In Appendix N are reproduced
30 "certain extracts from Hansard of



"This social club can charge a fee
"of 10 cents an hour or 50 cents
"per day for person for the privilege
"of participating in games without
"the being guilty of keeping a common
"gaming house. On the other hand,
"the special provision referred to
"by Mr. Wintermeyer which has been
"included in all social club bills
"passed since July last, 1930, provides
"explicitly that if such a club
"charges any fee for the privilege
"of playing games on its premises,
"even the fee permitted by the Code,
"this will be sufficient cause for
"the cancellation of the charter."
On the left hand side of page 57 Mr.

"Now, Mr. Speaker, what is
"the policy of the Conservative
"Government towards chartered social
"clubs suspected of being gaming
"houses? The answer to that
"question is contained in a statement
"made by the hon. Attorney-General
"in this Legislature on February 22,
"1931, as follows:
"On the right we say:
"In Appendix K are reproduced
"certain extracts from Hansard of



1 "February 19th, 1959, and February
2 "23rd, 1959, respecting the
3 "cancellation of Letters Patent
4 "where inter alia is set forth
5 "in full the statement of the
6 "Attorney-General."

7 I would ask you, Mr. Commissioner, to
8 turn to Appendix N.

9 I would like to read, since it relates
10 to a discussion which took place in the
11 Legislature a year and a half prior to Mr.
12 Wintermeyer's speech and which he has quoted
13 in parts, I would like to read that Appendix
14 in full, Mr. Commissioner.

15 Q. Well, if you want to read it,
16 all right.

17 A. " APPENDIX N
18 " Ontario Legislature
19 " (February 19th, 1959)
20 " MR. J. J. WINTERMEYER (Leader of
21 "the Opposition): Mr. Speaker,
22 "Before the orders of the day, I
23 "would like to ask a question of
24 "the hon. Attorney-General. . . .

25
26
27 " The policy of the Provincial
28 "Secretary's Department is that no
29 "charter be issued to a social club
30 "without first being submitted to



"cancellation of business papers"
"where there is a lot of paper"
"the fact of the matter is that"
"the fact of the matter is that"

I would ask you, Mr. Commissioner, to
turn to Appendix H.

I would like to read, since it relates
to a discussion which took place in the
Legislature a year and a half prior to Mr.
Wintermeyer's speech and which he has quoted
in part. I would like to read that Appendix
in full, Mr. Commissioner.

Q. Well, if you want to read it,

all right.

A. " APPENDIX H

" Ontario Legislature

" (February 19th, 1959)

" H. J. Wintermeyer (Speech)

" Mr. Wintermeyer: Mr. Speaker,

" Before the orders of the day, I

" would like to ask a question of

" the hon. Attorney-General. . . .

" The policy of the Provincial
" Secretary's Department is that no
" charter be issued to a school area
" without first being submitted to



1 "the chief of police of the
2 "municipality, and to the Ontario
3 "provincial police. If any
4 "organization, whose charter we
5 "have approved, has a charge
6 "brought against its members for
7 "breaking the law in any way, . . ."

8 Q. Excuse me a moment. I do not
9 want a political arena to be transferred
10 here.

11 Let me see the Letters Patent setting
12 up this Commission.

13 I have been appointed --

14 ". . . to inquire into and report

15 "upon:

16 "(1) the administration of the laws

17 "and regulations regarding the

18 "incorporation and operations of

19 "social clubs having regard to

20 "allegations made by the Leader of

21 "the Opposition in his speech of

22 "November 29th, 1961; . . . "

23 I should think, Mr. Yaremko, and I say
24 this most deferentially to you, that what I
25 am concerned with under that heading are these
26 matters: What are the laws and regulations
27 regarding the incorporation and operation
28 of social clubs? Two, have those laws been
29 administered?

30 I am not too happy that the record of the



"the chief of police of the
"municipality, and to the Ontario
"municipal police. It was
"organization, which would be
"have approved, has a change
"thought against its members for
"because the law is not
6. Please me a moment. I do not
want a political arena to be transferred
here.
Let me see the letters Patent setting
out the conditions.
I have just read them -
" . . . to induce into and report
" . . .
"(1) the administration of the law
"and regulations regarding the
"administration of the law
"social class having regard to
"allegations made by the leader of
"the Opposition in his speech of
"November 22nd, 1901; . . .
I should think, Mr. Yarnick, and I say
this most definitely to you, that what I
am concerned with under that heading are these
matters: What are the laws and regulations
regarding the incorporation and operation
of social classes? Two, have those laws been
administered?
I am not too happy that the record of the



1 proceedings before me should include some
2 political discussions in the House. At the
3 moment I do not think it is going to advance
4 the matter at all to have the particular
5 appendix to which you have been referring, and
6 part of which you have read, made part of
7 the record before me.

8 Now, if you think I am wrong I would
9 be very happy if you would tell me in what
10 respect I am wrong?

11 A. Well, Mr. Commissioner, I would
12 defer to your judgment in this matter.

13 The reason for having included Appendix
14 N was that in the reference to you there is
15 a relationship to - having regard to the
16 allegations by Mr. Wintermeyer in the Legislature, -
17 the Leader of the Opposition. Mr. Wintermeyer,
18 in the course of his statement, his allegations,
19 quoted certain portions of the statements
20 made in the Legislature. I thought it
21 might be useful for you to have the whole
22 of those proceedings rather than a portion.

23 When I asked you to turn to Appendix N,
24 if you will recall, I paused and said I
25 should like to read and, having assumed that
26 I had made myself clear, that the reason for
27 that was because portions had been quoted in
28 this speech, that perhaps all of the statements --
29 But I defer to your judgment. It is not
30 my intention to turn this into a political



proceedings before me should include some
 political discussions in the House. At the
 moment I do not think it is going to advance
 the cause of the people to have
 a appendix to which you have been referring, and
 part of which you have read, made part of
 the record before me.

Now, if you think I am wrong I would
 be very happy if you would tell me in what
 respect I am wrong?

I will, Mr. Speaker, I will
 defer to your judgment in this matter.

It was that in the reference to you there is
 a relationship to - having regard to the
 allegations by Mr. Wintermyer in the Legislature,
 the leader of the Opposition, Mr. Wintermyer,
 in the course of his statement, his allegations,
 quoted certain portions of the statements
 made in the Legislature. I thought it
 might be useful for you to have the whole
 of those proceedings rather than a portion.
 When I asked you to turn to Appendix B,

if you will recall, I passed and said I
 should like to read and, having ascertained that
 I had made myself clear, that the reason for
 that was because portions had been quoted in
 this speech, that perhaps all of the statements --
 that I refer to your judgment. It is not
 my intention to turn this into a political



1 arena. We are examining at this point a
2 speech made in the Legislature with reference
3 to whether the administration of the laws
4 and regulations have been properly administered.

5 I think what I shall -- We will delete
6 Appendix N from the brief and confine our
7 remarks to the analysis of what Mr. Wintermeyer
8 has actually stated. I think when we come
9 to the mention of the portions in which he
10 takes upon himself to interpret the statements
11 of the Attorney-General, then I think the
12 matter, so far as the Department is concerned,
13 will have been sufficiently dealt with.
14 I am quite content to have Appendix N deleted
15 from the brief.

16 Q. All right.

17 A. So that, from the brief, Mr.
18 Commissioner, what appears on the right hand
19 column of page 57 will be deleted.

20 Q. Well, you cannot very well delete
21 it. There it is. But let us treat it as
22 not being there, if you want to put it that
23 way.

24 A. The next page:

25 "Now how have the Department of
26 "the hon. Attorney-General and
27 "the Department of the hon. Provincial
28 "Secretary enforced the laws and
29 "carried out government policy with
30 "respect to chartered social clubs



... We are examining at this point a
... made in the Legislature with reference
... and regulations have been properly administered.
I think what I shall -- We will discuss
Appendix N from the date and continue our
reference to the analysis of what Mr. Wintour
has actually stated. I think when we come
to the mention of the positions in which he
takes upon himself to interpret the statements
of the Attorney-General, then I think the
matter, so far as the Department is concerned,
will have been sufficiently dealt with.
I am quite content to have Appendix N deleted
from the bill.

Q. All right.

A. No time, from the date, Mr.

Chairman, what appears on the right hand

... of page 27 ...

Q. Well, you cannot very well delete

A. There it is. But let us treat it as

not being there, if you want to put it that

way.

A. The next page:

"Now how have the Department of

"the hon. Attorney-General and

"the Department of the hon. Provincial

"Secretary enforced the laws and

... and ...

... and ...



1 "and illegal gambling? An
2 "examination of the records will
3 "demonstrate there have been
4 "flagrant violations of all points
5 "of the law in all aspects of
6 "policy, not just once, but on
7 "frequent occasions."

8 On the right we say:

9 " The way the Department of
10 "the Provincial Secretary has
11 "enforced the laws and carried
12 "out Government policies with respect
13 "to chartered social clubs and
14 "illegal gaming is summarized infra

15 " To assist the Commissioner
16 "the Department has extended all
17 "its efforts in a review of its
18 "files of the last 11½ years, and
19 "will give particulars of or refer
20 "to 1,295 files, of which Mr. Winter-
21 "meyer has referred to 32 in his
22 "speech. (See Appendix L).

23 " The Department denies Mr.
24 "Wintermeyer's statement that 'there
25 "have been flagrant violations of
26 "all points of the law in all aspects
27 "of policy, not just once, but on
28 "frequent occasions.' This denial
29 "will be supported by an examination
30 "of each of the allegations made by



"of each of the allegations made by
"will be supported by an examination
"present occasions." This denial
"of policy, not just once, but on
"all points of the law in all aspects
"have been flagrant violations of
"Wintermeyer's statement that 'there
"the Government has extended all
"its efforts in a review of its
"files of the last 1 1/2 years, and
"will give particulars of on refer-
"to 1,325 files, of which Mr. Winter-
"never has referred to 32 in his
"statement (see Exhibit B).
"the Government has
"Wintermeyer's statement that 'there
"have been flagrant violations of
"all points of the law in all aspects
"of policy, not just once, but on
"present occasions." This denial
"will be supported by an examination
"of each of the allegations made by



1 "Mr. Wintermeyer upon which he
2 "bases his charges."

3 On the left Mr. Wintermeyer stated:

4 " The hon. Attorney-General's
5 "statement of policy declared that
6 "it is the practice of the hon.
7 "Provincial Secretary's Department
8 "and has been since 1949 to refer
9 "all applications for social club
10 "charters to local police and to the
11 "Ontario Provincial Police."

12 Mr. Commissioner, I pause at this point
13 to comment that the terms of reference are
14 very broad. You see, just prior to that
15 Mr. Wintermeyer states:

16 "An examination of the records will
17 "demonstrate there have been flagrant
18 "violations of all points of the law
19 "in all aspects of policy, not just
20 "once, but on frequent occasions."

21 We will present this brief and I suggest
22 at this point that it will be incumbent, perhaps,
23 upon you to state what is the law that is
24 being administered because we come into a
25 phase now where Mr. Wintermeyer is using
26 certain examples, and he states:

27
28 (Page 9491 follows)
29
30



"Mr. Wintermeyer upon which he

"passed his opinion."

On the 10th, Wintermeyer stated:

"The law is...

"statement of policy declared that

"it is the practice of the law.

"Provincial Secretary's Department

"and has been since 1949 to refer

"all applications for a final order

"to the Provincial Secretary's Department

"for their consideration."

Mr. Commissioner, I pause at this point

to mention that the law of 1949 is

very broad. You see, just prior to that

Mr. Wintermeyer stated:

"An examination of the records will

"demonstrate there have been flagrant

"violations of all points of the law

"in all aspects of policy, not only

"but in the very administration."

We will present this brief and I suggest

at this point that it will be convenient, perhaps,

upon you to state what is the law that is

being administered because we come into a

phase now where Mr. Wintermeyer is using

various methods, and we suggest



B/FJMcG/1

1 THE WITNESS: "The hon. Attorney General's
2 "statement of policy declared that it
3 "is the practice of the hon. Provincial
4 "Secretary's Department and has been
5 "since 1949 to refer all applications
6 "for social club charters to local
7 "police and to the Ontario Provincial
8 "Police. Mr. Speaker, all social
9 "club charters were not investigated
10 "by the police. The following were
11 "not investigated."

12 I assume we are now getting into
13 violations of all points of the law in all
14 aspects of policy that he has referred to.
15 He mentions three clubs:

16 "1. Chipper Sales & Advertising
17 "Club, 1 Howard Park Avenue;
18 " Showmen's League of America,
19 "1 Howard Park Avenue;
20 " The Portuguese-Canadian
21 "Association of Toronto, 274 College
22 "Street, Toronto."

23 Then, Mr. Commissioner, on the right we
24 have the following:

25 "Chipper Sales & Advertising
26 "Club.
27 "Incorporated under the Ontario
28 "Corporations Act, by Letters Patent
29 "dated August 24th, 1959 "
30



... ..

"statement of policy declared that it

"is the practice of the hon. provincial

"secretary's Department and has been

"since 1949 to refer all applications

"for social club charters to local

"police and to the Ontario Provincial

"Police, Mr.

"club charters were not investigated

"by the police. The following were

"not investigated."

I assume we are now getting into

violations of all points of the law in all

aspects of policy that he has referred to.

He mentions three clubs:

"1.

"Club, 1 Howard Park Avenue;

"Snowmen's League of America,

"1 Howard Park Avenue;

"The

"Association of Toronto, 274 College

"Street, Toronto.

Then, Mr. Commissioner, on the right we

have the following:

"Chipper Sales & Advertising

"Inc.

"Incorporated under the Ontario

"Corporations Act, by Letters Patent

"dated August 28th, 1955 "



1 "(h) To provide offices and other
2 "facilities for the dissemination of
3 "promotional literature and other
4 "information relating to the industry
5 "and for the convenience of the
6 "various members in holding con-
7 "ferences and meetings."

8 I pause for a moment to direct your
9 attention, Mr. Commissioner, to Appendix G.
10 In all of these appendices we have been
11 giving the names of the applicants and the
12 solicitors, in all the files we have presented
13 before you. We did not have them ready at
14 the time this was prepared. On page 18
15 of Appendix G you will find that the
16 applicants were: Joseph Robert Price of the
17 City of Toronto, George Edward Hartley of the
18 Town of Brampton, James Maurice Lumby of the
19 City of Kitchener, and the solicitors were
20 Crabtree, Crabtree & Stewart of Toronto.
21 We give that information with respect to all
22 of the files.

23 I resume reading the brief:

24 "The initial letter from the
25 "solicitor stated that the application
26 "was for incorporation of 'a trade
27 "association of persons engaged in
28 "the potato chip industry.' "

"(b) To provide officers and other

"facilities for the dissemination of

"information relating to the industry

"and for the convenience of the

"various members in holding con-

"ferences and meetings.

I pause for a moment to direct your

attention, Mr. Commissioner, to Appendix A.

In all of these appendices we have been

giving the names of the applicants and the

solicitors, in all the files we have presented

before you. We did not have them ready at

the time this was prepared. On page 18

of Appendix G you will find that the

applicants were: Joseph Robert Wiles of the

City of Toronto, George Edward Hartley of the

Town of Brampton, James Maurice Lumby of the

City of Kitchener, and the solicitors were

Grubbe, Grubbe & Stewart of Toronto.

We give that information with respect to all

of the files.

I resume reading the brief:

"The initial letter from the

"solicitor stated that the application

"was for incorporation of a trade

"association of persons engaged in

"the potato chip industry."



1 "It is arguable that, in accordance with
2 "the extremely wide interpretation
3 "which the Department itself has given
4 "to 'objects of a social nature' the
5 "objects of this corporation are in
6 "part of a social nature."

7 THE COMMISSIONER: I cannot see how, by
8 the widest stretch of the imagination, a
9 charter could be approved for this as a bona
10 fide social club. You could easily strike
11 out the words "social club". It seems to be
12 a commercial concern to me. However, that
13 may be neither here nor there.

14 THE WITNESS: "In dealing with this
15 "application the decision was made
16 "that it be not referred.

17 "To date the Department has
18 "not received any complaint with
19 "respect to this corporation from
20 "the police or any other source."

21 THE COMMISSIONER: Isn't that perhaps
22 your best answer, not the one you have given
23 but the one I have just suggested? You do
24 not refer to the police applications for
25 charter to carry on commercial activities?

26 A. Mr. Commissioner, you will find
27 upon examination ---

28 Q. No, no, let us take it a step
29 at a time. I am right in that, am I? If
30 an application is made by a corporation of an



"It is my belief that, in accordance with

"the extremely wide interpretation

"which the Department itself has given

"to 'objects of a social nature,' the

"objects of this corporation are in

"part of a social nature."

THE COMMISSIONER: I cannot see how, by

the widest stretch of the imagination, a

charter could be approved for this as a bona

fide social club. You could easily strike

out the words "social club". It seems to be

a commercial concern to me. However, that

may be neither here nor there.

THE WITNESS: "In dealing with this

"application the decision was made

"that it be not received."

"The fact that the corporation was

"not received any complaint with

"reference to this corporation, that

"the police or any other source."

THE COMMISSIONER: Isn't that perhaps

your best answer, not the one you have given

but the one I have just suggested? You do

not refer to the police applications for

charter to carry on commercial activities?

A. Mr. Commissioner, you will find

upon examination ---

Q. No, no, let us take it a step

at a time. I am right in that, am I? It

an application is made by a corporation of an



1 industrial type or commercial type you do not
2 refer that to the police?

3 A. No, we don't.

4 Q. When you receive an application
5 for the incorporation of a company without
6 share capital which, on its face, would
7 appear to be a social club, with social
8 activities, you do refer it to the police.
9 From time to time you had internal rules
10 and regulations in the Department with respect
11 to that.

12 Now, the fact that this was not referred
13 to the police, I think the best answer is
14 that by no stretch of the imagination could
15 it be construed as an application for
16 incorporation of a social club. How does
17 that appeal to you?

18 A. I accept that completely.

19 Q. Well then, you have to change
20 your brief because in your brief you say
21 that the objects of this corporation are in
22 part of a social nature. I cannot see it.

23 A. Well, if you will refer to
24 paragraph (b) of the many paragraphs, they
25 were going to meet somewhere and, being
26 human, I guess if they have common interests --
27 they use the words "provide club premises",
28 and since they called it an advertising
29 club instead of an advertising corporation,
30 that is to say, "To provide club premises



refer that to the police.

A. No, we don't.

Q. When you receive an application

for the incorporation of a company without

share capital which, on its face, would

appear to be a social club, with social

activities, you do refer it to the police.

from time to time you had information

and regulations in the Department with respect

to that.

Now, the fact that this was not referred

to the police, I think the best answer is

that by no stretch of the imagination could

it be construed as an application for

incorporation of a social club.

that appeal to you?

A. I accept that completely.

Q. Well then, you have to change

your brief because in your brief you say

that the objects of this corporation are in

ment of a social nature. I cannot see it.

A. Well, if you will refer to

paragraph (b) of the many paragraphs, they

were going to meet somewhere and, being

human, I guess if they have common interests --

they use the word "provide club premises,"

and since they called it an advertising

club instead of an advertising corporation,

that is to say, "to provide club premises



1 and other conveniences for the members of the
2 corporation", they used the word "club",
3 you see.

4 Q. The use of the word "club" does
5 not make it a social club. The language
6 they have used does not make it an application
7 for incorporation of a social club.

8 A. Mr. Commissioner, nowhere is
9 the word "social club" defined. The
10 Department, in dealing with these applications,
11 you will find, has gone to the extreme in
12 their references to the police. I can
13 put it that if there is even a smell of
14 sociability of any kind, the Department
15 has leaned backwards in these referrals,
16 as you will see by examining the objects
17 clauses of what we have listed as being
18 social clubs. It varies all the way from
19 being a social club to having sociability
20 to the nth degree which happens when these
21 people get together with common interests.

22 I will continue, Mr. Commissioner, on
23 page 59 with the Department's comment:

24 "Shewmen's League of America,
25 "Ontario Chapter.

26 "Incorporated under The Ontario
27 "Corporations Act by Letters Patent
28 "dated August 6, 1959 "

29 --- (Page 60)
30



corporation", they used the word "club",

you see.

Q. The use of the word "club" does

not make it a social club. The language

they have used does not make it an application

for incorporation of a social club.

A. Mr. Commissioner, nowhere is

the word "social club" defined. The

Department, in dealing with these applications,

you will find, has gone to the extreme in

their references to the police. I can

put it that if there is even a small of

sociality of any kind, the Department

has leaned backward in these references,

as you will see by examining the objects

classes of what we have listed as being

social clubs. It varies all the way from

being a social club to being a social

to the non degree which happens when there

is no social element in the organization.

I will continue, Mr. Commissioner,

page 59 with the Department's comment:

"Women's League of America,

"Ontario Chapter.

"Incorporated under The Ontario

"Corporations Act by Letters Patent

"dated January 11, 1911.

—(Page 60)



1 "On April 22nd, 1959, an order
2 "was made cancelling the Letters Patent
3 "for cause."

4 Then, Mr. Commissioner, on the left Mr.
5 Wintermeyer continued:

6 "4. The Centre Road Veterans
7 "Association, sometimes called the
8 "Vets Club, Toronto Township, I shall
9 "have more to say about this
10 "later another fact which
11 "the hon. Attorney General forgot
12 "to mention in his press release."

13 Following this we will be reviewing --
14 I know you have had a good deal of evidence --
15 this will be in some respects a review in
16 relation to these three clubs:

17 "Centre Road Veterans Association;
18 "Roseland Veterans Association;
19 "Frontier Veterans Association;
20 "Incorporation proceedings "

21
22 --- (Page 61)

23 --- (Page 62)

24 " and that at present pro-
25 "ceedings are under way against
26 "the third."

27 Mr. Commissioner, that third one has
28 since been cancelled too.

29 "Centre Road Veterans Association.
30 "The first intimation the Department



"On April 19, 1955, at 10:00 a.m."

"was made cancelling the letters Patent"

"the same."

Then, Mr. Commissioner, on the 14th day."

"The Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

"have more to say about this"

"I am not a lawyer, but I am a citizen"

"the hon. Attorney General Forster"

"the Commissioner of Patents and Trademarks"

Following this we will be reviewing --

I know you have had a good deal of evidence --

this will be in some respects a review in

relation to these three cases:

"the Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

"the Commissioner of Patents and Trademarks"

---(Page 61)

---(Page 62)

"... and that at present pro-

"nothing can under way against"

"the third."

Mr. Commissioner, that third one has

also been cancelled too.

"General Road Veterans Association."

"The first instance the Department"



1 "received from the police complaining
2 "about the Centre Road Veterans
3 "Association "

4
5 --- (Page 63)

6 "If the Association had remained under
7 "Federal jurisdiction, the Provincial
8 "Secretary would not have had the
9 "authority to cancel for cause."

10 Then, Mr. Commissioner, at page 64

11 Mr. Wintermeyer stated:

12 "The Roseland Club at Windsor
13 "lost its provincial charter on
14 "March 8, 1958, as a result of a
15 "court conviction two months before
16 "of two men, Curly Gardner and
17 "Leo Finnigan, on charges of keeping
18 "a common gaming house. Well, the
19 "hon. Attorney General may say we
20 "finally got them. Mr. Speaker,
21 "that conviction was obtained
22 "despite the hon. Attorney General,
23 "not because of him.

24 "The Roseland Club had been
25 "raided and raided again and again
26 "by the police. And because of
27 "its charter club set-up and for
28 "the reasons I shall explain later
29 "on, no evidence to support the
30 "laying of charges could be found."



"received from the police department

"about the General Road Veterans

"Association "

---(Page 63)

"It was suggested that the

"Federal Government, the

"Secretary would not have had the

"authority to grant the same."

"That Mr. [Name] was

Mr. [Name]

"The National Club of Windsor

"lost its provincial charter on

"March 8, 1938, as a result of a

"vote of the members of the

"of two men, Garry Gardner and

"Also Winnipeg, on charges of keeping

"a secret list of names, and

"Hon. Attorney General may say we

"finally got them. Mr. Speaker,

"that conviction was obtained

"despite the Hon. Attorney General,

"not because of him.

"The National Club had been

"raised and raised again and again

"by the police. And because of

"its charter club set-up and for

"the reasons I shall explain later

"on, no evidence to support the

"laying of charges could be found."



1 Then, Mr. Commissioner, on the right hand
2 side of page 64:

3 "Roseland Veterans Association.

4 "Incorporated under The Ontario
5 "Corporations Act, by Letters Patent,
6 "dated July 5th, 1957 "

7
8 --- (Page 64)

9 " If the Association had remained
10 "under Federal jurisdiction, the
11 "Provincial Secretary would not have
12 "had the authority to cancel for
13 "cause."

14 Then, Mr. Commissioner, on the lower
15 left hand side of page 64:

16 "The Frontier Veterans
17 "Association at Fort Erie was
18 "incorporated, according to records
19 "in the hon. Provincial Secretary's
20 "Department "

21
22 --- (Page 65)

23 "The charter is still in good standing
24 "despite this fact, and despite the
25 "fact that in 1958 Bertie Township
26 "formed its own police force and
27 "the club was raided so often that
28 "business fell away and the operators
29 "were obliged to close down."

30 Then, Mr. Commissioner, the comment of



Then, Mr. Commissioner, on the right hand

side of page 64:

"Incorporated under The Ontario

"Corporations Act, by Letters Patent,

"No. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

—(Page 64)

"In the Association had remained

"The Ontario Veterinary

"Association of Port Hope was

"had the authority to cancel the

"Then, Mr. Commissioner, on the lower

"The Ontario Veterinary

"Association of Port Hope was

"in the hon. Provincial Secretary's

"Department"

—(Page 65)

"The owner is still in good standing

"despite this fact, and despite the

"fact that in 1953 Battle Township

"formed its own police force and

"the club was ranked as often that

"business fell away and the operators

"were obliged to close down."

Then, Mr. Commissioner, the comment of



1 the Department, reverting back to page 64, is
2 as follows:

3 "Frontier Veterans Association.

4 "Incorporated under The Ontario

5 "Corporations Act, by Letters Patent

6 "dated July 5th, 1957 "

7
8 --- (Page 65)

9 "Because the club is now under

10 "provincial jurisdiction the Provincial

11 "Secretary is entitled to institute

12 "cancellation proceedings and the

13 "same has been done.

14 "Corporations retain their

15 "corporate personality even though

16 "they cease to be active.

17 "If the Association had remained

18 "under Federal jurisdiction, the

19 "Provincial Secretary would not have

20 "had the authority to cancel for

21 "cause."

22 Then, Mr. Commissioner, on the lower left
23 hand side of page 65 Mr. Wintermeyer says:

24 "Now, let us examine the Ramsay

25 "Club in Niagara Falls. The House

26 "will recall I have said that Vincent

27 "Feeley and Joseph McDermott obtained

28 "interests in the Ramsay Club in the

29 "latter part of 1959. The Ramsay

30 "Club has a federal charter and its



the Department, reverting back to page 48, in

as follows:

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

—(Page 49)

"The following is the list of the

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

"The following is the list of the

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

"The following is the list of the

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

"The following is the list of the

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

"The following is the list of the

"Incorporated under the Ontario

"Incorporation Act, by Messrs. Messrs.

"dated July 2nd, 1927"

"The following is the list of the

"Incorporated under the Ontario



1 "annual returns show two names appearing
2 "as club directors in 1960 for the
3 "first time. Those names are Henry
4 "Damore and Frank Muscato, two of
5 "the directors of the closed-down
6 "Frontier Club. There has also been
7 "evidence in court that the steward
8 "of the Ramsay Club after Feeley and
9 "McDermott moved in was Syd Ross,
10 "apparently the same man who was
11 "the third director of the Frontier
12 "Club. It may also interest the
13 "House to know that the Ramsay Club's
14 "federal charter has not been
15 "cancelled."

16 Then, Mr. Commissioner, on the right
17 hand side the Department's comment:

18 "Ramsay Club.

19 "Incorporated under federal
20 "statutes.

21 "It was discussed supra.

22 "This club illustrates very
23 "forcefully the fact that since it is
24 "a federal charter the Provincial
25 "Secretary has no jurisdiction; and
26 "this was also the situation with
27 "the last three clubs discussed until
28 "they were brought under the provincial
29 "statute and regulations."

30 Then, Mr. Commissioner, at the top of



"annual returns show two names appearing

"as club directors in 1960 for the

"first time. There were no other

"names and other records, but it

"the directors of the closed-down

"Protestant Club. There has also been

"evidence in court that the steward

"for the Rensselaer Club also acted as

"Hobart moved in was Ed Ross,

"apparently the son of the late

"and that director of the Rensselaer

"Club. It may also interest the

"House to know that the Rensselaer Club's

"former members are not

"connected.

Then, Mr. Commissioner, on the right

hand side the Department's comment:

"Rensselaer Club.

"The Rensselaer Club is

"located.

"It was dissolved after

"the first dissolution was

"formally the fact that there is

"a federal charter the Provincial

"Secretary has no jurisdiction; and

"this was also the situation with

"the first dissolution which

"regarding the fact that the Provincial

"charter and regulations."

Then, Mr. Commissioner, at the top of



B/3

1 page 66 on the left hand side:

2 "The records of the hon. Provincial
3 "Secretary's Department show that the
4 "directors of the Centre Road Veterans
5 "Association"

6 --- (Page 66)

7
8 " For several years before a
9 "conviction of illegal gambling was
10 "obtained in 1960."

11 The comment on the right is as follows:

12 "Finnish Social Club.

13 "This reference is likely to the
14 "Finnish Social Club of Timmins
15 "incorporated under The Ontario
16 "Companies Act, by Letters Patent
17 "dated December 21, 1952 on
18 "February 12th, 1960, an order was
19 "made cancelling the Letters Patent
20 "for cause."

21 Then Mr. Wintermeyer states on the left
22 hand side at the bottom of page 66:

23 "Despite this record of Pleschuk
24 "and Laffradi, and despite the fact
25 "that Lincoln Turner these
26 "then, Mr. Speaker, were the three
27 "social clubs for whom the hon.
28 "Attorney General set aside ^{the policy} of police
29 "investigation when the government
30 "granted charters in 1957."



page 66 on the left hand side:

"The records of the hon. Provincial

"Government's Department show that the

"Department of the Ontario Land

"Department

—(Page 66)

" For several years before a

"

"obtained in 1900."

The content of the right is as follows:

"

"This reference is likely to the

"

"Incorporated under The Ontario

"

"dated December 21, 1922 on

"February 19th, 1920, an order was

"made cancelling the letters patent

"for cause."

Then Mr. Winemeyer states on the left

hand side at the bottom of page 66:

"Despite this record of the fact

"and admitted, and despite the fact

"that Lincoln Turner these

"then, Mr. Speaker, were the three

"local clubs for whom the hon.

"Attorney General set aside the policy

"

"granted charters in 1927."



1 Then, Mr. Commissioner, the comment on
2 the right:

3 "The detailed proceedings leading
4 "to the holding of the hearings
5 "respecting the Centre Road Club
6 "that the Provincial Secretary was
7 "able to dissolve two of the
8 "associations as corporate entities
9 "and that he has been able to
10 "institute cancellation proceedings
11 "against the third."

12 And, as I say, Mr. Commissioner, that
13 has since been cancelled.

14 THE COMMISSIONER: We will have ten
15 minutes.

16
17 ---A short recess.

18 THE WITNESS: At the top of the left hand
19 column on page 67 Mr. Wintermeyer states:

20 "The hon. Attorney General in
21 "his policy statement also said it is
22 "not the practice of the hon. Provincial
23 "Secretary to grant a charter if the
24 "police have legitimate objection "
25 The comment at this point, Mr. Commissioner,

26 is:

27 "The Attorney General used the
28 "words 'legitimate objection' "

29
30 --- (Page 67)



Then, Mr. Commissioner, the question is

"The detailed proceedings in the

"that the Provincial Secretary was

"able to dissolve two of the

"associations as corporate entities

"and that he has been able to

"achieve the result."

And, as I say, Mr. Commissioner, that

has since been cancelled.

The Commissioner will say that

changes.

---A very large.

THE WITNESS: At the top of the last page

column on page of Mr. Winesworth's answer;

"The hon. Attorney General in

"his policy statement also said it is

"not the practice of the hon. Attorney

"General to grant a charter in the

"police have legitimate objection . . ."

"The Attorney General used the



1 " that the two are in all cases
2 "necessarily synonymous."

3 Then, Mr. Commissioner, Mr. Wintermeyer
4 continued on the left:

5 "Mr. Speaker, I am going to read
6 "to this House the names of several
7 "social clubs which were granted
8 "charters this club is suspected
9 "by the Metro Police as a gaming house."

10 Then, Mr. Commissioner, the comment on
11 the right:

12 "Bathurst-Sheppard Social &
13 "Athletic Club Incorporated.

14 "Incorporated under The Ontario
15 "Corporations Act by Letters Patent
16 "dated November 20th, 1959.

17 "The objects are as follows --- "

18 THE COMMISSIONER: Well, you do not need
19 to read the objects, do you?

20 A. Very well.

21 "The application was referred to
22 "the Ontario Provincial Police and
23 "the Metropolitan Toronto Police
24 "'however, in view of the applicants'
25 "apparent lack of interest in athletics,
26 "the unorganized club activities and
27 "their interest in gambling, this
28 "writer is opposed to the granting
29 "of Letters Patent."

30 Then, Mr. Commissioner, the comment on



"... that the two are in all cases

"... the two are in all cases

"... the two are in all cases

continued on the last:

"Mr. Speaker, I am going to read

"to this House the names of several

"... the two are in all cases

"... the two are in all cases

"by the Metro Police as a gaming house."

Then, Mr. Commissioner, the command on

the right:

"... the two are in all cases

"... the two are in all cases

"Incorporated under the Ontario

"Corporations Act by Western Patent

"... the two are in all cases

"The objects are as follows --"

THE COMMISSIONER: Well, you do not need

to read the objects, do you?

Mr. Speaker:

"The application was referred to

"the Ontario Provincial Police and

"... the two are in all cases

"however, in view of the application,

"apparent lack of interest in activities,

"the unorganized club activities and

"their interest in activities, this

"written is opposed to the granting

"of Western Patent."

Then, Mr. Commissioner, the command on



1 the right:

2 "On considering these matters and
3 "in the exercise of his discretion the
4 "Hon. Mackinnon Phillips issued Letters
5 "Patent "

6 --- (Page 68)

7
8 " and a hearing was held, which
9 "commenced on January 19th, 1962, and
10 "which at the date of this brief was
11 "not completed."

12 Since that time, Mr. Commissioner, the
13 hearing has been completed and the letters
14 patent have been cancelled for breach of the
15 provisions of the letters patent. I may say
16 that my recollection is that a good deal of
17 the evidence centered about the fact that
18 there were photographs of packs of cards
19 and a sign on the wall that 10 cents an hour
20 was being charged. That additional
21 information will be available for you, if
22 you so seek it, with the file.

23 I go back to page 67 where on the left
24 hand side it states as follows:

25 "The clubs which the police
26 "investigated and reported upon
27 "adversely were:

28 "(2) The Chinese Business Men's
29 "Cultural Society, Toronto. The
30 "Metro Police reported adversely on



the right: . . .

"On considering these matters and

"in the exercise of his discretion the

" . . .

—(Page 63)

" . . . and a hearing was held, which

" . . .

" . . .

"not completed."

. . .

hearing has been completed and the letters

patent have been cancelled for breach of the

provisions of the letters patent. . . I say and

that my recollection is that a good deal of

the evidence centered about the fact that

. . .

and a claim on one wall that 10 cents an hour

was being charged. . . That additional

information will be available for you, if

you so need it, with the file.

I go back to page 67 where on the left

hand side it reads as follows:

"The cases which the police

"investigated and reported upon

. . .

(1) . . .

" . . .

. . .



1 "this applicant in May of 1959. Letters
2 "Patent were issued on July 8th, 1959.

3 "A second adverse police report on
4 "this club was made on September 15,
5 "1959.

6 "Dr. H.W. Lore, one of the
7 "incorporators, ran or helped to run
8 "the Chee Kung Tong Club which was
9 "dissolved November 22, 1958, because
10 "of a conviction."

11 I return now to page 68, on the right
12 hand side:

13 "Chinese Business Men's
14 "Cultural Society.

15 "By its Letters Patent the
16 "clubhouse or similar premises were
17 "limited to 180 Dundas Street West,
18 "Toronto.

19 "The objects are v-v"

20 THE COMMISSIONER: You don't need to read
21 them.

22 A. With all due deference, Mr.
23 Commissioner, I think it does have a bearing
24 in this instance.

25 THE COMMISSIONER: Very well.

26 A. "(a) To promote interest in
27 "and the study of Chinese dramatics,
28 "dances, songs, entertainment and
29 "other forms of Chinese culture.

30 "(b) To manage, conduct and



"This appears in May of 1932. There is

nothing more about it in this report.

"A second Chinese police report on

"this case was made on September 15,

1932.

"Dr. H.W. Lane, one of the

"incorporators, was on his way to the

"the Chinese Club when he was

"detained by the police and taken to the

"of a conviction."

I return now to page 63, on the right

and left.

"The Chinese Club was

"located at the corner of

"at the corner of the street

"Telephone or similar premises were

"limited to 100 Dundas Street West,

"Toronto."

"The objects are 4-4"

"THE COMMISSIONER: You don't need to read

them.

A. With all due deference, Mr.

Commissioner, I think it does have a bearing

in this instance.

"The Commission was

A. "(a) To promote interest in

"and the study of Chinese literature,

"and the study of Chinese literature and

"other forms of Chinese culture.

"(b) To manage, conduct and



"organize the public exhibition of
"Chinese culture in its various forms."

I think, Mr. Commissioner, that is
sufficient of the objects.

"The application was referred
"to the Metropolitan Toronto Police
"and to the Ontario Provincial
"Police "

---(Page 69)

"The report of the Metropolitan
"Toronto Police indicated that an
"inspection had been conducted of
"the proposed club premises and the
"Inspector of the Building "

Mr. Commissioner, I do not think that word
"development" should be there but it should
read:

" the Inspector of Buildings
"indicated that the second floor "

---(Page 70)

"The reports of the Provincial Police
"and the Metropolitan Toronto Police
"were unfavourable and the application
"was not granted."

(Page 9507 follows)

B/4



"organize the public exhibition of
 "Chinese culture in its various forms."
 I think, Mr. Commissioner, that is
 sufficient of the objects.
 "to the Metropolitan Toronto Police
 "and to the Ontario Provincial
 "Police"

---(page 82)

"The report of the Metropolitan
 "Toronto Police indicated that an
 "inspection had been conducted of
 "the proposed club premises and the
 "Inspector of the Building"
 "Commissioner, I do not think that word
 "development" should be there but it should
 " . . . the Inspector of Buildings
 "indicated that the second floor"

---(page 70)

"The reports of the Provincial Police
 "and the Metropolitan Toronto Police
 "were unfavorable and the application
 "was not granted."



C/FTP/1

---(Continuing to read from page 70)

THE WITNESS: We turn to page 67 again to tie in, where he stated:

"The clubs which the police
"investigated and reported upon
"adversely were:
"(3) The Apter Friendly Society,
"Toronto. The Metro Police reported
"adversely on this club on
"January 17th, 1960, and a charter
"was granted on March 28th, 1960."

Then on page 70 the comment of the
Department on the right is as follows:

"Apter Friendly Society Incorporated --
"Incorporated under The Ontario
"Corporations Act by Letters Patent
"dated March 28th, 1960"

---(Page 71)

"For my part I cannot see why
"this charter should be granted at
"this time as I see no reason why
"their objects cannot be attained
"with or without a charter, having
"in mind the objects listed by
"Mr. Thomas H. Thomson, solicitor
"for the Apter Friendly Society (sic)."

Mr. Thomas H. Thomson is a solicitor with the
Department of the Provincial Secretary.



---(Continuing to read from page 70)

THE WITNESS: We turn to page 67 again

to the 1st, where he stated:

"The claim with the police

"investigated and reported upon

"adversely were:

(2) The Metro Police (1950)

"Toronto. The Metro Police reported

"adversely on this club on

"January 1951, 1952, and a number

"was granted on March 28th, 1950."

Then on page 70 the comment of the

Department on the right is as follows:

"As a result of the investigation

"incorporated under the Ontario

"Corporations Act by letters patent

"dated March 28th, 1950"

---(Page 71)

"For my part I cannot see why

"this charter should be granted as

"this time as I see no reason why

"their objects cannot be obtained

"with or without a charter, having

"in mind the objects listed by

"the charter itself."

Mr. Thomas H. Thomson is a solicitor with the

Department of the Provincial Secretary.



1 "I do not recommend this application'.

2 "The matter was reviewed by the
3 "Hon. Mackinnon Phillips and in the
4 "exercise of his discretion Letters
5 "Patent were issued.

6 "No adverse report has been
7 "received by the Department with
8 "respect to this corporation from
9 "the police or any one else."

10 Then on the left hand side of page 71

11 Mr. Wintermeyer states:

12 "Mr. Speaker, the hon. Attorney
13 "General in his statement said it
14 "was the policy of the government as
15 "well as a requirement of law to
16 "limit the location of the activities
17 "of a social club to a particular
18 "street address named in the Letters
19 "Patent. A change of address was
20 "to take place only after written
21 "permission for ^{the} A change had been
22 "secured from the hon. Provincial
23 "Secretary. I want to cite several
24 "instances in which this policy was
25 "not pursued and in which the law
26 "was contravened."

27 And the comment of the Department on the
28 right is as follows:

29 "From the examples cited by
30 "Mr. Wintermeyer, which will be



"I do not recommend this application."

"The matter was reviewed by the

Hon. MacKinnon Phillips and in the

"exercise of his discretion letters

"No adverse report has been

"received by the Department with

"the police or any one else."

Then on the left hand side of page 71

"Mr. Speaker, the Hon. Attorney

"was the policy of the government as

"well as a requirement of law to

"limit the location of the activities

"of a social club to a particular

"street address named in the letters

"Recent. A change of address was

"to take place only after written

"permission for a change had been

"secured from the hon. Provincial

"Secretary. I want to cite several

"instances in which this policy was

"not pursued and in which the law

And the comment of the Department on the

right in as follows:

"From the examples cited by

"Mr. Wintermeyer, which will be



1 "discussed hereafter, the Department
2 "suggests that he is again, as he did
3 "in reference to the Divion Club and
4 "the Frontier Veterans Association,
5 "both dealt with supra, repeatedly
6 "confusing the distinction in law
7 "between the location of the head
8 "office of a club and the location
9 "of its premises "

10
11 --- (Page 72)

12 " Needless to say, even if the
13 "statements by Mr. Wintermeyer were
14 "as stated, whih to the knowledge of
15 "the Department they are not, it
16 "would not mean that the 'policy was
17 "not pursued' by the Department, but that
18 "rather 'the law was contravened' by
19 "the corporation and the consequences
20 "of such contravention would fall
21 "upon the corporation, as they did
22 "in the one instance."

23 Now, just reviewing mentally the facts,
24 on page 71 he says:

25 "I want to cite several instances
26 "in which this policy was not pursued
27 "and in which the law was contravened."

28 And at page 72 he states:

29 "The Chipper Sales & Advertising Club
30 "was restricted by its Letters Patent



"...the fact that he is a member of the Division Club and
 "in reference to the Division Club and
 "the fact that he is a member of the Division Club
 "containing the description of the
 "between the location of the head
 "office of a club and the location
 "of the premises"

—(Page 72)

"...Needless to say, even if the
 "as stated, with the knowledge of
 "the Department they are not, in
 "would not mean that the policy was
 "not pursued by the Department, but that
 "rather the law was circumvented by
 "the corporation and the corporation
 "when the corporation, as they did
 "in the one instance."

Now, just reviewing mentally the facts,

on page 71 he says:

"I want to cite several instances
 "in which this policy was not pursued
 "and in which the law was circumvented."

And on page 72 he states:

"The Chicago Sales & Advertising Club
 "was restricted by the Federal Patent"



1 "to No. 1 Howard Park Avenue

2 "an exchange listing that was dis-

3 "continued several years ago."

4 On the right hand side, the comment of
5 the Department:

6 "Chipper Sales & Advertising Club."

7 You will recall, Mr. Commissioner, this club
8 was discussed supra.

9 "At the request of the

10 "applicants, the Letters Patent

11 "limited the activities of the

12 "corporation to No. 1 Howard Park

13 "Avenue, Toronto. . . .

14 "Mr. Wintermeyer states that

15 "Mr. Price wrote the Provincial

16 "Secretary on January 11th, 1961,

17 "'that the club was not active';

18 "corporations retain their corporate

19 "personality even though they are

20 "not active, i.e., stop doing

21 "business. The particular letter

22 "states in part as follows "

23 and I am quoting now the letter:

24 "'You will note that the

25 "corporation is not actively carrying

26 "on business but it is hoped that "

27
28 --- (Page 73)

29 " the club will be organized

30 "and activated in the future when the



"No. 10, I Howard Park Avenue"

"The corporation is not actively engaged."

"The corporation is not actively engaged."

On the right hand side, the comment of

the Department:

"The corporation is not actively engaged."

You will recall, Mr. Commissioner, this club

has been active.

"As the request of the

corporation, the active status

"limited the activities of the

"corporation to No. 1 Howard Park

"Avenue, Toronto"

"Mr. Commissioner, please note

"the corporation is not actively

"Secretary on January 15th, 1901,

"that the club was not active;

"corporations retain their corporate

"personality even though they are

"not active;"

"Business. The particular letter

"states in part as follows"

and I am quoting now the letter:

"You will note that the

"corporation is not actively engaged."

"The corporation is not actively engaged."

—(Page 72)

" the club will be organized

"and active in the future when the



1 "industry at large is ready for it."

2 "Mr. Wintermeyer states that

3 "'Mr. Price's name can be found in the

4 "membership list of the Centre Road

5 "Veterans Club'. . . .

6 "The following listings appear

7 "on page 586 of the yellow pages of

8 "the May, 1961, Toronto telephone

9 "directory --- "

10 and then there are other listings, and I won't

11 read them. It indicates the type of section.

12 There is a heading, "Price Joseph Sales

13 Limited . . . 1 Howard Park". Then I continue:

14 "If the corporation is on the

15 "'suspect list' --- "

16 and I am quoting Mr. Wintermeyer:

17 "'suspect list as a gambling club', the

18 "Metropolitan Toronto Police have

19 "never advised the Department of this.

20 "The Department is advised that as

21 "of the 19th of March, 1962, No. 1

22 "Howard Park Avenue was a brick

23 "building, one storey at the front,

24 "two storeys at the rear. On the

25 "northerly wall of the two-storey

26 "portion is a large sign advertising

27 "potato chips and at the bottom

28 "'Chippers Sales & Advertising Club'.

29 "There is a similarly worded large

30 "sign on the roof. The Department



"industry at large is ready for it."

"Mr. Wintermeyer states that

"Mr. Price's name can be found in the

"membership list of the Gentra Road

"Gentra Road, 1962, No. 1

"The following is a list of

"on page 246 of the yellow pages of

"the city, 1962, Gentra Road

"listings --

and then there are other listings, and I won't

read them. It indicates the type of reaction.

there is a heading, "Price Joseph Salton

limited . . . Howard Park". Then I continue:

"If you are interested in the

"nearest list --

and I am quoting Mr. Wintermeyer:

"I suspect that as a gambling club, the

"Gentra Road, 1962, No. 1

"never advised the Department of this.

"The Department is advised that as

"of the 15th of March, 1962, No. 1

"Howard Park Avenue was a brick

"building, one story at the front,

"two stories at the rear. On the

"northern wall of the two-story

"portion is a large sign advertising

"potato chips and at the bottom

"the sign reads: 'Gentra Road, 1962, No. 1'

"There is a similarly worded large

"sign on the roof. The Department



"asks, even if it is arguable --- "

And I agreed with you, Mr. Commissioner, on this point:

" --- that the corporation is a social
"club, where is the change of the
"location of activities to substantiate
"Mr. Wintermeyer's statement that the
"'policy was not pursued' and the
"'law was contravened'.

"Mr. Wintermeyer is incorrect."

And then he says:

"I want to cite several instances
"in which this policy was not pursued
"and in which the law was contravened."

On page 71, and on page 74 he continued:

"The Showmen's League of America,
"incorporated on August 6, 1959, by
Louis
"Toronto barrister, Herman without a
"prior police investigation
"also suspected by the Metropolitan
"Toronto Police as a gaming house."

The comment of the Department is as follows:

"Showmen's League of America,
"Ontario Chapter.

"This club was discussed supra.
"The head office is by the Lettess
"Patent to be in the City of Toronto

"If the corporation is --- "

quoting Mr. Wintermeyer's words:



"...even if it is a ..."

...I

points:

... ..

... ..

"... ..

"... ..

"... ..

"... ..

"... ..

"... ..

"... ..

"... ..

"... ..

on page 11, and on page 14 he continued:

"The Showmen's League of America,

"Incorporated on August 6, 1939, by

Louis

"Toronto bartender Herman without a

"prior police investigation . . .

"also answered by the Metropolitan

"Toronto Police as a gaming house."

The comment of the Department is as

follows:

"Showmen's League of America,

"... ..

"This club was discussed before.

"The head office is by the letters

"present to be in the City of Toronto . . .

"... ..

quoting Mr. Wintermeyer's words:



"suspected by the Metropolitan Toronto
Police as a gaming house', they have
never advised the Department of this."

Then he raises an example, and he had
said on page 71:

"I want to cite several instances
in which this policy was not pursued
and in which the law was contravened."

And on page 74 on the left hand side:

"The Frontier Club, Niagara
Falls, was restricted by its charter
at 1292 Ferry Street, Niagara Falls.
In recent returns its address is
given as 1528 Louis Avenue. No
consent for a change of address
appears to have been obtained from
the hon. Provincial Secretary."

The comment of the Department is as
follows:

"Italian Niagara Frontier Club.
Incorporated under The Ontario
Companies Act by Letters Patent
dated December 6, 1949"

---(Page 75)

"Again Mr. Wintermeyer is
incorrect in stating that the 'policy
was not pursued' (indeed it was
'pursued' three times), and to ~~the~~
date the Department has not received



"inspected by the Metropolitan Toronto

"Police as a 'killing house', they have

"been advised that the house is safe."

"Then he raises an example, another fact

said on page 11:

"I want to cite several instances

"of cases where the police have been

"and in which the law was overruled."

And on page 14 on the left-hand side:

"The Minister of Justice, Mr. Justice

"McGee, was requested by the charter

"of the City of Toronto, Mr. Justice

"In recent years the address is

"given as 1111 West Street, Toronto."

"comment for a change of address

"appears to have been obtained from

"the hon. Provincial Secretary."

The comment of the Department is as

follows:

"The fact that the address is

"given as 1111 West Street, Toronto"

"Companies Act by Western Patent

"Company, Toronto, Ont., is as follows:

--(Page 12)

"A Mr. W. W. Winterbottom is

"interested in stating that the 'factory

"was not burned' (indeed it was

"burned, three times), and to say

"that the report has not received



C/2

1 "any evidence that the 'law was contra-
2 "vened' by any one in this regard."

3 Then still carrying on from page 71:

4 "I want to cite several instances
5 "in which this policy was not pursued
6 "and in which the law was contravened."

7 I turn to page 75 in which he continues:

8 "The New Canadian Social Club,
9 "Toronto, obtained Letters Patent on
10 "June 15th, 1955, and its premises
11 "were stated to be 360 to 362 Queen
12 "Street East The police
13 "filed a report disapproving of the
14 "club. Before the hon. Provincial
15 "Secretary could act the police
16 "closed the club down with a raid
17 "on December 28th, 1960."

18 And the comment of the Department is as follows:

19 "New Canadian Social Club.

20 "Incorporated under The Ontario
21 "Companies Act by Letters Patent dated
22 "June 15th, 1945. Mr. Wintermeyer is
23 "incorrect in his date of 1955."

24 I bring to your attention that the 1945
25 and not 1955 does have a bearing in view of
26 the policy.

27 "By its Letters Patent its
28 "activities were limited to the City
29 "of Toronto.

30 "At the time of incorporation,



"anywhere that the law was contra-

"vented by any one in this regard."

Then still carrying on from page 11:

"I want to cite several instances

"in which this policy was not pursued

"and in which the law was contravened."

I turn to page 12 in which he continues:

"The New Canadian Social Club,

"Toronto, reported to have been in

"June 1951, 1952, and its premises

"were stated to be 300 to 305 Queen

"Street, Toronto. The police

"filed a report disapproving of the

"club. Since the club was reported

"necessary could not be located.

"closed the club down with a raid

"on November 11, 1952."

And the comment of the Department is as follows:

"The Canadian Social Club,

"Toronto, was reported to have been

"operated out of letters Patent dated

"June 1951, 1952. Mr. Wintermeyer in

"incorrect in his date of 1952."

I bring to your attention that the 1952

and not 1951 does have a bearing in view of

the policy.

"By the letters Patent the

"activities were limited to the city

"of Toronto."

"At the time of the operation,



1 "the club it appears was in occupation
2 "of 360-362 Queen Street East "

3
4 --- (Page 76)

5
6 --- (Page 77)

7 " When 'the law was contravened'
8 "by the corporation, proceedings were
9 "instituted and it suffered the
10 "consequences, namely cancellation."
11 Then I revert back to page 71, Mr.

12 Commissioner:

13 "I want to cite several instances
14 "in which this policy was not pursued
15 "and in which the law was contravened."

16 And at page 77 on the left hand side Mr.
17 Wintermeyer stated:

18 "The Somerset Club moved to
19 "4140 Bathurst Street, North York,
20 "in 1959.

21 "Despite these three objections
22 "no steps were apparently taken by
23 "the hon. Provincial Secretary to
24 "enforce the prohibition against
25 "the club's change of address without
26 "permission."

27 The comment of the Department is as
28 follows:

29 "Somerset Club.

30 "Incorporated under The Ontario

"Companies Act by Letters Patent dated



"the club is reported as an organization"

"the club is reported as an organization"

---(Page 16)

---(Page 17)

"... When the law was concerned"

by the corporation, proceedings were

"initiated and it entered the

"company, which was a

When I revert back to page 17, Mr.

Continued:

"I want to cite several instances

"in which this policy was not pursued

"and in which the law was concerned."

and at page 17 on the left hand side Mr.

Wintersberger stated:

"The Somerset Club moved to

"1111 Somerset Street, Boston, Mass.

"in 1953. . . ."

"The club's move to Boston

"no steps were apparently taken by

"the club to notify the

"because the club's move

"the club's change of address without

"permission."

The content of the report is as

follows:

"Somerset Club.

"Incorporated under the District

"Companies Act of 1909 as amended."



1 "January 22nd, 1936.

2 "The amendment to The Corporation
3 "Act requiring the consent of the
4 "Provincial Secretary to a change of
5 "premises did not come into force
6 "until April 12th, 1960, so that the
7 "change in 1959 did not require the
8 "prior consent of the Provincial
9 "Secretary."

10 THE COMMISSIONER: Is 431 Spadina Avenue
11 not in the City of Toronto?

12 A. Yes, it is. The locations were
13 limited to the County of York.

14 Q. I am referring to:

15 "On the assumption that this change
16 "of head office also was a change
17 "of location of premises from one
18 "address to another, the Department
19 "points out that the change of
20 "premises to the new address was
21 "still in the County of York --- "

22 A. The word "still" is to indicate
23 that 431 Spadina Avenue is in the County of
24 York and 4140 Bathurst is still in the County
25 of York. The word "still" is that the
26 change is not out of the County of York.

27 Q. That is what I was asking you.
28 Is not 431 Spadina Avenue in the City of
29 Toronto?
30 +

A. Yes, it is.



"January 18th, 1900."

"The amendment to the Corporation"

"Act regarding the consent of the"

"Provincial Secretary to a change of"

"premises did not come into force"

"until April 18th, 1900, so that the"

"consent of the Provincial"

"Secretary."

THE COMMISSIONER: Is 481 Spadina Avenue

not in the City of Toronto?

A. Yes, it is. The locations were

limited to the County of York.

"The locations were"

"of head office also was a change"

"of location of premises from one"

"address to another, the Department"

"pointed out that the change of"

"premises to the new address was"

"still in the County of York --"

A. The word "still" is to indicate

that 481 Spadina Avenue is in the County of

York and 480 Bathurst is still in the County

of York. The word "still" is that the

change is not out of the County of York.

Q. That is what I was asking you.

Is not 481 Spadina Avenue in the City of

A. Yes, it is.



1 Q. So you felt the City of Toronto
2 is in the County of York?

3 A. And is the physical boundaries.
4 Here we are assuming that this was a change
5 of address, which I believe it is, but it was
6 considered limited to the County of York.

7 "The letter of the Department which
8 "Mr. Wintermeyer words 'advising the
9 "club that such a move had to be
10 "approved by a vote of the membership
11 "because the new location was outside
12 "the limits of the City of Toronto'
13 "was dated April 25th, 1960, and
14 "was in fact as follows:

15 "'The 1960 annual return indicates
16 "that the head office is situate at
17 "4140 Bathurst Street in the Township
18 "of North York whereas our records
19 "disclose that the location of the
20 "head office is authorized to be
21 "situate at the City of Toronto.
22 "It would appear that a special
23 "resolution is required to change
24 "the location of the head office
25 North
26 "to the Township of York or if
27 "preferred to the Municipality of
28 "Metropolitan Toronto."

29 I reviewed for you earlier, Mr. Commissioner,
30 that within a municipality a corporation can
change its head office by a mere resolution of



4. So you tell the City of Toronto

is in the County of York

A. And as the physical boundaries

here we are assuming that this was a change

of boundaries, which I believe it is, but it was

considered limited to the County of York.

"The letter of the Department which

"Mr. Wintermeyer wrote advising the

"that such a move had to be

"approved by a vote of the members

"because the new location was outside

"the limits of the City of Toronto"

"The letter of the Department which

"The letter of the Department which

"The letter of the Department which

"that the head office is situated at

"The letter of the Department which

"of North York whereas our records

"The letter of the Department which

"head office is authorized to be

"situated at the City of Toronto.

"It would appear that a special

"resolution is required to change

"the location of the head office

"to the Township of York or to

"referred to the Municipality of

"The letter of the Department which

I reviewed for you earlier, Mr. Commissioner,

that within a municipality a corporation can

change its head office by a mere resolution of



1 directors. If they want to change the head
2 office from one municipality to another
3 municipality, in this case from the City of
4 Toronto to the Township of North York, then
5 they have to have a special resolution which
6 has to be confirmed by, I think it is, two-
7 thirds of the membership.

8 There is a difference in procedure in
9 changing the head office from one municipality
10 to another. Now, the City of Toronto is a
11 municipality; the township of North York is
12 a municipality. So to change from one
13 municipality to another municipality you had
14 to have a special resolution confirmed by
15 the members, which I also believe has to be
16 published in the Ontario Gazette, but the
17 activities are limited to the County of
18 York which is not a municipality.

19 "On May 18th, 1960, the club
20 "passed the necessary special
21 "resolution and filed notice thereof
22 "with the Department.

23 "The club applied to the
24 "Department --- "

25 THE COMMISSIONER: Excuse me. Supposing
26 the activities of a club were confined to the
27 Province of Ontario, then what?

28 A. They could go anywhere in the
29 Province of Ontario as the ----

30 Q. You would not be able to keep very



directors. If they want to change the head
 office from one municipality to another
 municipality, in this case from the City of
 Toronto to the Township of North York, then
 they have to have a special resolution which
 has to be confirmed by, I think it is, two-
 thirds of the membership.

There is a difference in procedure in
 changing the head office from one municipality
 to another. Now, the City of Toronto is a
 municipality; the Township of North York is
 a municipality. So to change from one
 municipality to another municipality you had
 to have a special resolution confirmed by
 the members, which I also believe has to be
 published in the Ontario Gazette, but the
 activities are limited to the County of
 York which is not a municipality.

"On May 18th, 1960, the club

"passed the following resolution
 "Resolution and filed notice thereof
 "with the Department.
 "The club applied to the

THE COMMISSIONER: Answer me, regarding
 the activities of a club were confined to the
 Province of Ontario, then where?

A. They could go anywhere in the

Province of Ontario as the ----

Q. You would not be able to keep very



1 good track of them, would you?

2 A. No, but if you will look at the
3 history of the development of the procedures,
4 starting in 1946 and even earlier, they
5 were limited to an area, and then subsequent
6 to that in 1950 they were limited to a
7 particular address in the letters patent.
8 Then they could not move even next door if
9 there was a restriction to a particular
10 address in the letters patent, without
11 getting supplementary letters patent changing
12 that restriction.

13 Then, of course, in April, 1960, the
14 law became that whether the restriction
15 was in or not, in the letters patent, they
16 could not move from one address to another
17 without getting prior consent.

18 That was where the New Canadian Social
19 Club did change. They changed from 364
20 Queen Street East to 372 Queen Street
21 East, and that change brought about the
22 cancellation of letters patent.

23 "On May 18th, 1960, the club

24 "passed the necessary special

25 "resolution --- "

26 And this is in regard to the change of head
27 office, which is required by The Corporations
28 Act:

29 " --- and filed notice thereof --- "

30 As is required by The Corporations Act:



...of them, would you?

A. No, but if you will look at the history of the development of the procedure, starting in 1946 and even earlier, they were limited to the fact that they were limited to a particular address in the letter patent. Then they could not move even next door if there was a restriction to a particular address in the letter patent, without giving up the address. This was the situation. Then, in 1950, it was decided that they could move from one address to another without giving up the old one. That was where the New Canadian Society Club old change. They changed from 301 to 302 and that change brought about the cancellation of letter patents. "On May 15th, 1950, the club passed the necessary special resolution ---" And this is in regard to the change of name office, which is regulated by the Corporation Act. As is required by the Corporation Act: --- and filed notice thereof ---



1 " --- with the Department. The club
2 "applied to the Department on
3 "May 24th, 1960, for the consent of
4 "the Provincial Secretary to move
5 "its premises from 4140 Bathurst
6 "Street to 805 Wilson Avenue "

7
8 --- (Page 78)

9 " The Director of Companies
10 "examined the records and came to
11 "the conclusion that there was
12 "nothing from these records produced
13 "to give the Department sufficient
14 "cause to cancel the Letters Patent
15 "on the basis that there had been a
16 "forfeiture of corporate powers.

17 "The Minister reviewed the
18 "reports --- "

19 That is myself, Mr. Commissioner.

20 " --- reviewed the reports in detail
21 "and came to the conclusion that
22 "there did not appear to be sufficient
23 "evidence to justify the institution
24 "of proceedings on any ground to
25 "cancel the Letters Patent.

26 " Again the
27 "statement of Mr. Wintermeyer that
28 "the 'policy was not pursued' and
29 "that 'the law was contravened' is
30 "incorrect."

--- with the Department. The club

10. *Journal of the American Statistical Association*, 92(439):1089-1092, 1997.

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(87 9.24)---

assigned to you will not . . .

of such long attorney and testimony

[illegible]

to give the Department sufficient

comes to control the various Patent

on the basis that there had been a

... ..

"The Minister reviewed the

— 12 —

That is myself, Mr. Commissioner.

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and came to the conclusion that

There are no signs of any other persons.

evidence to justify the institution

of having you as a witness to

cannot be further Patent.

one page

U.S. DEPARTMENT OF JUSTICE

the 'bottom' was not buried' and

21 '0093V5751000 28W 922 280' 0810

"Joycent



1 From page 71 again on the left:

2 "I want to cite several instances

3 "in which this policy was not pursued --- "

4 I am going to read back a little and refer
5 back to:

6 "A change of address was to take place

7 "only after written permission for

8 "the change had been secured from the

9 "hon. Provincial Secretary. I want

10 "to cite several instances in which

11 "this policy was not pursued and in

12 "which the law was contravened."

13 And I go over to page 78 where Mr. Wintermeyer
14 continued:

15 "The Spadina Card & Social Club

16 "is another case at point

17 "The club was convicted of being a

18 "common gaming house in 1960 and

19 "then the charter was cancelled."

20 And the comment of the Department is as follows:

21 "Spadina Social & Card Club.

22 "Incorporated under The Ontario

23 "Companies Act by Letters Patent

24 "dated April 21st, 1949.

25 "The objects were --- "

26 THE COMMISSIONER: You don't need to read
27 those.

28 A. "By the Letters Patent the

29 "activities were limited to 163½

30 "Spadina Avenue, Toronto. "



From page 71 again on the left:

"I want to cite several instances

"in which this policy was not pursued --

I am going to read back a little and refer

back to:

"A change of address was to take place

"and when the change had been secured from the

"the change had been secured from the

"to cite several instances in which

"this policy was not pursued and in

"which the law was contravened."

And I go over to page 73 where Mr. Winthorpe

states:

"The Spadina Club is a Social Club

"The club was constituted of being a

"common gaming house in 1900 and

"and the comment of the Department is as follows:

"Spadina Social & Club.

"Incorporated under the Ontario

"Companies Act by Letters Patent

"The letters patent were limited to 1903

"Why the letters patent the

"Spadina Avenue, Toronto.

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read

"The Commission: You don't need to read



---(Page 79)

" The application was refused
"and on a review thereof and in the
"exercise of his discretion the Hon.
"G.H. Dunbar issued Supplementary
"Letters Patent on December 19th,
"1957, permitting the corporation
"to move its premises."

I want to have it clear in your mind,
Mr. Commissioner, that the application was
refused and then subsequently ---

THE COMMISSIONER: That is all right.

A. "Again the statement that the
"'policy was not pursued' and that
"'the law was contravened' is
"incorrect.

"Subsequently, a notice of
"conviction was filed with the
"Department with respect to certain
"persons on the premises and sub-
"sequently to a hearing held in
"February 1960, the Letters Patent
"were cancelled on April 21st, 1960."
I go back to page 71 again on the left:

"I want to cite several instances
"in which this policy was not pursued
"and in which the law was contravened."

And then he went on to refer to the Sun Sun
Social Club:



(Page 10)

... the Commission was ...
"and on a review thereof and in the
"course of its investigation the Commission
"has found that the Commission
"has permitted the corporation
"to move its premises."

I want to have it clear in your mind,
...
noted and then subsequently ---

THE COMMISSIONER: That is all right.
A. Again the statement that the

"the law was contravened" is
"untrue."

"The law was contravened" is

"conviction was filed with the
"Department with respect to certain
"persons on the premises and sub-

"sequently a hearing was held in

"February 1937, the hearing was

"conducted on April 1937, and

I go back to page 71 again on the left:

"I want to cite several instances

"in which this policy was not pursued

"and in which the law was contravened."

And then he went on to refer to the San Juan

San Juan



1 "The Sun Sun Social Club, Toronto,
2 "wished to move from 92 Elizabeth Street
3 "to 121 Dundas West. On March 27, 1961,
4 "the Ontario Provincial Police reported
5 "adversely on the granting of
6 "Supplementary Letters Patent. The
7 "club apparently had the new address
8 "when the application was made, it
9 "still has 121 Dundas Street West,
10 "and it is suspected by the Metro
11 "Police to be a common gaming house."
12 And the comment of the Department is as
13 follows:

14 "Sun Sun Social Club.
15 "Incorporated under The Ontario
16 "Companies Act by Letters Patent dated
17 "February 14th, 1949 "

18
19 --- (Page 80)

20 " Because the premises at
21 "92 Elizabeth Street are not available
22 "to the Club, the refusal of the
23 "application rendered the Club in
24 "fact inoperative."

25 Then Mr. Wintermeyer continued, and it
26 is difficult -- he does not make a break, he
27 gets into a statement, Mr. Commissioner, as
28 follows:

29 "A recent case is that of the
30 "25 Club, Port Credit, which applied



"The Sun Social Club, Toronto,

"wished to move from 92 Elizabeth Street

"to 151 Dundas West. On March 27, 1907,

"the Toronto Municipal Council reported

"adversely on the granting of

"a license for the new club.

"club apparently had the new address

"when the application was made, is

"still the 151 Dundas Street Club.

"and it is suggested by the Metro

"police to be a common gaming house."

And the comment of the Department is as

follows:

"Sun Social Club.

"Incorporated under the Ontario

"Companies Act by Letters Patent dated

"February 14th, 1907."

---(Page 30)

"The Sun Social Club is

"92 Elizabeth Street are not available

"to the Club, the refusal of the

"application rendered the Club in

"fact inoperative."

Then Mr. Wintermeyer continued, and is

is difficult -- he does not make a point, he

gives into a statement, Mr. Commissioner, as

follows:

"A recent case is that of the

"SP Club, Port Credit, which applied



1 "for a charter on September 20th, 1960."

2 Now, ordinarily reading the Hansard, it
3 appears as if it were a continuation, but it
4 appears to be a different approach.

5 "The application was submitted to the

6 "Port Credit police --- "

7 And I am quoting him:

8 " --- the Ontario Provincial Police

9 "and the Royal Canadian Mounted

10 "Police

11 " Apparently the

12 "Ontario Provincial Police report

13 "was ignored as Letters Patent

14 "were issued on March 28th, 1961,

15 "with no mention of an address

16 "for a club house and stipulating

17 "that the head office had only

18 "to be in Toronto Township."

19 The comment of the Department is as
20 follows:

21 "The '25' Club.

22 "Incorporated under The Ontario

23 "Corporations Act by Letters Patent

24 "dated March 28th, 1961. "

25
26 --- (Page 81)

27 " On February 6 the

28 "departmental solicitor wrote to the

29 "Ontario Provincial Police a letter

30 "in respect to this --- "



"For a chapter on September 1901."

Now, ordinarily reading the manuscript, it

appears as if it were a continuation, but it

appears to be a different approach.

"The application was submitted to the

"The Credit Police ---"

And I am quoting him:

"--- the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

"and the Credit Police

The comment of the Department is as

follows:

"The 'Credit Police'.

Incorporated under the Ontario

"Corporations Act by Letters Patent

"dated March 20th, 1901.

---(Page 81)

"On February 6th

"Departmental Solicitor wrote to the

"Departmental Solicitor

"in respect to this ---"



1 That refers to this insertion of this provision.

2 THE COMMISSIONER: I know.

3 A. " --- stating, 'If you have no

4 "further objections we will proceed

5 "with the granting of the Letters

6 "Patent', and the reply was received

7 "dated February 7th"

8 " No adverse report

9 "has been received by the Department

10 "with respect to this corporation

11 "from the police or any one else."

12 May I just pause here for a moment perhaps

13 just to say to you, Mr. Commissioner, that I

14 do not know how often we have done it, but

15 my own recollection is that from time to

16 time such a provision forbidding the

17 corporation from maintaining club house

18 premises as such has been inserted in the

19 Letters Patent from time to time, and of

20 course the contravention of that clause would

21 be the contravention of a provision.

22 The other thing I just mention at this

23 time, that when we deal with the incorporation,

24 as we did, you will note by the statistics,

25 of over 5,500 corporations of many characters,

26 most of them commercial and industrial, we

27 issue the letters patent, and whether they

28 conduct their operations in contravention

29 of zoning by-laws or where they carry on

30 their operation, we do not police it. We



Thank you for this insertion of this provision.

THE COMMISSIONER: I know.

A. --- stated, "If you have no

objection, we will proceed

with the hearing on the matter.

"Yes," and the reply was received

"dated February 7th"

" No adverse report

"has been received by the Department

of the Interior.

"From the police or any one else."

Now I just pause here for a moment perhaps

just to say to you, Mr. Commissioner, that I

do not know how often we have done it, but

my own recollection is that from time to

time that a certain provision has

been inserted in the

provision an amendment has been inserted in the

Letters Patent from time to time, and of

course the contravention of that clause would

be the contravention of a provision.

The other thing I just mentioned this

time, that when we deal with the inspection,

as we did, you will note by the statistics,

of over 5,500 corporations of many character,

most of them commercial and industrial, we

issue the letters patent, and whether they

conduct their operations in contravention

of the law or not, we do not police it. We

their operation, we do not police it. We



1 incorporate them and then they have to abide by
2 the laws wherever they are going to conduct
3 their business. I am just bringing that to
4 your attention.

5 THE COMMISSIONER: I appreciate that.

6 A. Mr. Wintermeyer continued on
7 page 81:

8 "Mr. Speaker, I could cite other
9 "violations of the declared policy of
10 "the government and of the law as it
11 "relates to social clubs, but from
12 "the ones I have cited several
13 "conclusions are obvious."

14 And the comment of the Department is as
15 follows:

16 "The Department submits that Mr.
17 "Wintermeyer has, in his speech, shown
18 "no violations of the declared policy
19 "of the government in relation to the
20 "policy of the Department with respect
21 "to social clubs."

22 I remind you, Mr. Commissioner, at this
23 point, that way back at page 71 he used the
24 expression "in which the law was contravened".

25 "The Department submits that Mr.
26 "Wintermeyer has, in his speech, shown
27 "no violation of the declared policy
28 "of the government in relation to the
29 "policy of the Department with respect
30 "to social clubs."



incorporate them and then they have to abide by

the laws wherever they are going to conduct

their business. I am just bringing that to

the attention of the committee.

A. Mr. Wintermeyer continued on

page 31:

"Mr. Speaker, I could cite other

"violations of the declared policy of

"the government and of the law as it

"relates to social clubs, but from

"the ones I have cited several

"examples can be drawn."

And the comment of the Department is an

example:

"The Department has the honor to

"Wintermeyer has, in his speech, shown

"no violations of the declared policy

"of the government in relation to the

"policy of the Department with respect

"to social clubs."

I remind you, Mr. Commissioner, at this

point, that way back at page 71 he used the

expression "in which the law was concerned."

"The Department submits that Mr.

"Wintermeyer has, in his speech, shown

"no violation of the declared policy

"of the government in relation to the

"policy of the Department with respect

"to social clubs."



1 "At the request of the Department
2 "Commission counsel has produced the
3 "list of 18 clubs submitted on behalf
4 "of Mr. Wintermeyer ---- "

5 I stop here for a moment, because Mr.
6 Wintermeyer in his speech said:

7 "I could cite other violations."

8 I was in touch with Mr. Wilson and said,
9 "Now, he says, 'I could cite other violations'.
10 What are these other violations, in order that
11 we may reply to them?" Mr. Wilson did
12 produce a list.

13 MR. WILSON: I have that list, Mr.
14 Commissioner, if you want a copy filed.

15 THE COMMISSIONER: Let me have it. I
16 will just pin it in this brief. Have you
17 got it loose?

18 MR. WILSON: I have it in brief form.
19 I will have the original, and it was contained
20 again in an encloser in Mr. MacKinnon's letter
21 to me of March 12th, 1962.

22 THE WITNESS: We have, Mr. Commissioner,
23 that list set out in an appendix which I will
24 be coming to in a moment.

25 THE COMMISSIONER: Just tell me now what
26 appendix is it?

27 A. I will just continue reading:

28 "At the request of the Department
29 "Commission counsel has produced the
30 "list of 18 clubs submitted on behalf



At the request of the Department

"List of 18 clubs submitted on behalf

"of Mr. Wintermeyer --- "

I stop here for a moment, because Mr.

Wintermeyer in his speech said:

"I could cite other violations."

I was in touch with Mr. Wilson and said:

"Now, he says, 'I could cite other violations,'

What are these other violations, in order that

we may reply to them?" Mr. Wilson did

produce a list.

Mr. Wilson: I have that list, Mr.

Commissioner, if you want a copy filed.

THE COMMISSIONER: And we have it. I

will just pin it in this brief. Have you

got it loose?

Mr. Wilson: I have it in brief form.

I will have the original, and it was contained

again in an envelope in Mr. MacKinnon's letter

to me of March 15th, 1902.

THE COMMISSIONER: Now, Mr. Commissioner,

that list set out in an appendix which I will

be coming to in a moment.

THE COMMISSIONER: Just tell me now what

appendix is it?

A. I will just continue reading:

"At the request of the Department

"Commissioner to myself has produced the

"List of 18 clubs submitted on behalf



1 "of Mr. Wintermeyer headed, 'The following
2 "clubs have been issued Letters Patent
3 "or Supplementary Letters Patent by
4 "the Provincial Secretary despite
5 "adverse reports from the O.P.P."
6 "which appears to contain a repetition
7 "of the allegations herein made and
8 "his only formal allegations of
9 "'other violations' and the same
10 "are dealt with in Appendix H where
11 "the nature of the report is dealt
12 "with."

13 And I ask you to turn to Appendix H, Mr.
14 Commissioner.

15 Q. Yes.

16 A. Now, if I may just read the rest
17 of the comment because I am going to be
18 referring to the appendix in full, and you
19 will find Mr. Wintermeyer's list set out
20 on page 26. That is, we have not reproduced
21 the list as such. We have reproduced the
22 names which he has set out in the list,
23 together with comments. Mr. Wilson has
24 that in the form of a list as such.

25 MR. WILSON: Yes. Mr. Registrar,
26 would you hand that to the Commissioner.
27 It is the last document, enclosure, in that
28 letter.

29 THE COMMISSIONER: They are set out
30 on page 26, are they?



"of Mr. Winesberger headed, 'The following
"which have been issued to the
"the Provincial Secretary despite
"advances reports from the O.R.P."
"which appears to contain a revelation
"the nature of the report is dealt
"are dealt with in Appendix II where
"the nature of the report is dealt

And I ask you to turn to Appendix II, Mr.

Q. Yes.
A. Now, if I may, I will read the text

of the comment because I am going to be
referring to the appendix in full, and you
will find Mr. Winesberger's list set out
on page 26. That is, we have not reproduced
the list as such. We have reproduced the
names which he has set out in the list,
in the form of a list as such.
I would you hand that to the Commissioner.
It is the last document, enclosure, in that
set.

THE COMMISSIONER: They are set out
on page 26, are they?



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A. Yes.

Q. Of Appendix H?

A. The names.

Q. That will serve my purpose.

Well, it is 1.00 o'clock.

---Whereupon the hearing adjourned at 1.00 p.m.
until 2.15 p.m.

(Page 9530 follows)



100-100000

A. Yes.
B. No.
C. Not sure.
D. Not will serve my purpose.

100-100000

100-100000
100-100000

(100-100000)



1 ---On resuming at 2:25 o'clock, p.m.

2
3
4 JOHN YAREMKO, continues.

5
6 THE WITNESS: We were on page 81, Mr.
7 Commissioner, and I had just referred to the list
8 of 18 clubs, listed on page 26 of Appendix H.
9 I should like to conclude the comment at this
10 time, it continuing to read:

11 " It should be noted that 10 of
12 "the clubs on the list are referred to
13 "in the speech and dealt with supra
14 "and that in 5 of the particular 10 cases
15 "the statement 'issued Letters Patent or
16 "Supplementary Letters Patent by the
17 "Provincial Secretary despite adverse
18 "reports from the O.P.P.' is incorrect,
19 "because as a matter of fact there were
20 "none issued at all. Also the statement
21 "'issued Letters Patent or Supplementary
22 "'Letters Patent by the Provincial Secretary
23 "'despite adverse reports from the O.P.P.'
24 "'is incorrect in respect of 2 of the
25 "'remaining 8 names on the list, for as
26 "'a matter of fact, there were none
27 "'issued at all.

28 " The incorrectness of the statement
29 "by Mr. Wintermeyer in regard to this
30 "matter in respect of the seven clubs,



...countdown ...ON MAY 1961

THE WITHBURN: WE WERE ON PAGE 87. MR.

Commissioner, and I had just referred to the list of 18 clubs, listed on page 26 of Appendix H.

" It should be noted that 10%

"the clips on the list are referred to

"and that in 2 of the partitions 10 cases

"Sculpture Letters Patent by the

Approved by _____

"because as a matter of fact there were

"none tasted at all. Also the statement

and to a to receive it before it

"Remaining 8 names on the list for as

"It is honest"

" The incorrectness of the statement

"by Dr. Wintermeyer in regard to this



1 "should be apparent from a search
2 "of the public files of the Department."

3 Now, I would ask you to turn to Appendix H.

4 On page 1 it is headed:

5 "APPLICATIONS GRANTED WHERE POLICE
6 "REPORTS WERE OTHER THAN COMPLETELY
7 "FAVOURABLE.

8 " An examination of the files of
9 "the Department to the best of the
10 "Department's ability to do so showed
11 "that between July 1st, 1950 and
12 "December 11th, 1951, there have been
13 "1219 applications for letters patent
14 "where the objects have been wholly
15 "or in part of a social nature in the
16 "light of the Department's interpretation.
17 "Of these, 984 were granted after
18 "referrals to the police where the
19 "reports were completely favourable.
20 "(Appendix F and Statistical Summary
21 "Supra) . . . " - Appendix F covers

22 981 of them and there are three beyond that -

23 " . . . and 123 were refused after
24 "referral to the police and relevant
25 "other Government departments and
26 "objection reported and 63 were
27 "refused because the application did
28 "not comply with the departmental
29 "policy extant at the time. (Appendix I).

30 " In addition to the above, there



"should be separated from a person

"of the public files of the Department."

Now, I would ask you to turn to Appendix B.

On page 1 it is headed:

An examination of the film and its maintenance

"the Department to the best of the

"Department's ability to do so showed

1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809

November 1961, 111

where the objects have been wholly

and in other instances a to stay in to'

'light of the Department's interpretation.

red's bedroom now #82, about 10'

referrals to the police where the

SECRET

1940-1941

ATOVOS 7 xiloneqqa - " . . . (signe)

981 of them and there are twice beyond that -

test's heartier grow (SI bus . . .)

Investigator has action sent to Director's

Other Government departments and

objection reported and 3 were

refused because the application did

not comply with the departmental

'policy extant at the time. (Appendix I).

In addition to the above, there



1 "have been applications for supplementary
2 "letters patent with respect to
3 "corporations having social objects where
4 "the letters patent were issued prior
5 "to 1950 of which there is no count.

6 " In each of the applications
7 "set out herein, . . . - that is,
8 herein, within this appendix -
9 ". . . the Minister of the day exercised
10 "his discretion to grant letters patent
11 "or supplementary letters patent,
12 "the decision being based on the grounds
13 "that the report did not disclose a
14 "legitimate objection. It will be
15 "noted from the instances listed that,
16 "in some, one of the two police reports
17 "is not unfavourable.

18 " For the Convenience of the Commissioner,
19 "there is set forth a resume of these
20 "files.

21 " The applications concerned are as
22 "follows:
23 "ALBION GOLF ASSOCIATES LIMITED".

24 I should ask, Mr. Commissioner, that I
25 should not read the solicitors' or the objects,
26 unless you so wish.

27 THE COMMISSIONER: Q. Let me understand:
28 These were applications where applications were
29 granted where the police reports were other
30 than favourable?



1 A. That is right.

2 Q. In the case of the Albion Golf
3 Associates Limited there is no adverse report
4 received?

5 A. That is following the issuance.

6 Q. That is after it was issued?

7 A. Yes.

8 " The matter was referred to the
9 "Ontario Provincial Police and to the
10 "Clerk of the Township of Albion. The
11 "Clerk of the Township of Albion had
12 "no objection to the incorporation.

13 " The Ontario Provincial Police
14 "report is dated the 16th day of March,
15 "1961, and concludes with the following:

16 " 'I would not recommend that this
17 " group obtain a charter because
18 " they do not know why they should
19 " have a charter, they do not know
20 " who the officers will be in the
21 " club, they are only going into the
22 " golf club business as they have
23 " nothing else to use the farm for
24 " and seem to be under the impression
25 " that a charter will save payment
26 " of excess tax.'"

27 That is an example. We have accepted that
28 as a report as other than completely favourable.

29 Q. All right.

30 A. "In the exercise of his discretion,



A. That is right.

Q. In the case of the Alden Golf

Associates Limited there is no adverse report

A. That is following the issuance.

Q. That is after it was issued?

A. Yes.

" The matter was referred to the

" Ontario Provincial Police and to the

" Clerk of the Township of Alden had

" no objection to the incorporation.

" Report is dated the 15th day of March,

" 1901, and concludes with the following:

" 'I would not recommend that this

" they do not know why they should

" have a charter, they do not know

" who the officers will be in the

" club, they are only getting into the

" Golf club business as they have

" nothing else to use the farm for

" and seem to be under the impression

" that a charter will save payment

" of excess tax."

" That is an example. We have accepted that

" as a report as other than completely favourable.

A. In the exercise of his discretion,



1 "the Honourable John Yarenko issued
2 "Letters Patent dated the 24th day of
3 "May, 1961.

4 " No adverse report has been received
5 "by the Department "

6 Q. We can go on to the next one.

7 A. The Algonquin Community Club:

8 " The application was referred to
9 "the Ontario Provincial Police and to
10 "the Clerk of the Township of Augusta.

11
12 "Upon receipt of this report the
13 "application was at first refused by the
14 "Department. The matter was reviewed
15 "by the Honourable John Yarenko and in
16 "the exercise of his discretion he
17 "issued Letters Patent on the 20th day
18 "of December, 1960."

19 The next one, Chau Luen Kon Sol Association:

20 " The application was referred to
21 "the Toronto and Provincial Police and
22 "the report of the Toronto Police is
23 "dated "

24 Q. Excuse me, Mr. Yarenko. Not all
25 these clubs were referred to by Mr. Wintermeyer?

26 A. No.

27 Q. As you come to them would you
28 indicate?

29 A. Yes, and you can tick it off on
30 page 26.



"Letters Patent dated the 24th day of

"No adverse report has been received

"by the Department . . . "

"We can go on to the next one.

"The application was referred to

"the Ontario Provincial Police and to

"the Clerk of the Township of Aurora.

"Upon receipt of this report the

"application was at first refused by the

"Department. The matter was reviewed

"by the Honorable John Yarnick and in

"the exercise of his discretion he

"issued Letters Patent on the 20th day

"of December, 1960."

"The application was referred to

"the report of the Toronto Police is

"stated . . . "

"I know not, Mr. Yarnick. Not all

these clips were referred to by Mr. Wintermeyer?

"A. No.

"Q. As you come to them would you

"A. Yes, and you can check it off as



1 Q. I will do it on the page itself.
2 The Algonquin was one?

3 A. Yes.

4 Q. Thank you.

5 A. Chau Luen Kon Sol Association:

6 " The application was referred to
7 "the Toronto and Provincial Police and
8 "the report of the Toronto Police is
9 "dated December 21st, 1953. . . .

10

11

12

13

14

15

" In the exercise of his discretion,
"the Hon.G.Arthur Welsh granted Letters
"Patent dated April 29th, 1954."

No adverse report.

16

17

Wintermeyer?

18

A. No.

19

20

was the Algonquin?

21

A. Yes.

22

23

The Club Macedonia is also not
referred to in his list.

24

25

26

27

28

29

30

" The file discloses that there had
"been a conviction for keeping a common
"gaming house against a company known
"as the 'Macedonia Amusement Company
"Limited' and, after being notified
"of a conviction by the police, the
"Letters Patent were cancelled. . . .



Q. I will do it on the page itself.

Q. Thank you.

A. Gnan Iman Kon Sol Association:

"The association was referred to

"the report of the Toronto Police is

is the committee of his association.

"the Hon. G. Arthur Welsh granted letters

"which were dated April 1944."

Q. Was that one referred to by Mr.

Wintemeyer?

Q. The only one referred to him as far

was the Algonquin?

A. Yes.

The Club Macedonia is also not

referred to in his list.

"The file discloses that there had

"been a conviction for keeping a common

"gaming house against a company known

"as the 'Macedonian Amusement Company

"Limited' and, after being notified

"of a conviction by the police, the

"company ceased to exist."



1 " Subsequently the Metropolitan
2 "Toronto Police advised the Department
3 "that the club was charging a fee of
4 "ten cents an hour or fifty cents per
5 "day notwithstanding the provision in
6 "the Letters Patent with respect to
7 "section 168, subsection 2(a) of the
8 "Criminal Code and requested that the
9 "Letters Patent be cancelled. A
10 "hearing was held. On December 6th,
11 "1961, an order was made cancelling the
12 "letters patent for cause."

13 "Dart Coon Club of Toronto, not mentioned
14 "in the list.

15 " The applicants were referred to the
16 "Ontario Provincial Police and the Toronto
17 "Police.

18
19
20 "No adverse report has been received
21 "by the Department with respect to this
22 "corporation from the police or anyone
23 "else."

24 Essex-Kent Boys Golf Association, not on
25 the list.

26 " The application replaced an earlier
27 "application made in 1950, which was
28 "withdrawn."

29 This being in 1957.

30 " The application was referred to the



'1961, an order was made cancelling the hearing was held. On December 6th,

Part Gen Club of Toronto, not mentio

The applicants were referred to

Ontario Provincial Police and the Tor

NO SILVER-REPOSIT HAS BEEN RECEIVED



1 "Ontario Provincial Police and to the
2 "Windsor Police.

3 " The Ontario Provincial Police
4 "report is dated April 29th, 1957, and
5 "indicated that the applicants had been
6 "running golf tournaments for boys for
7 "some years, and concludes with the
8 "following comment:

9 " 'As the result of my investigation
10 "and referring to the information obtained
11 "from (a named person) . . . "

12 I may say, Mr. Commissioner, in the
13 initial drafts of these briefs, we were not
14 naming these people, we were trying to give the
15 facts without their names.

16 They are available in the files.

17 Q. That is suitable for my purposes.

18 A. . . . who had stated that
19 "similar tournaments had been held
20 "yearly for the past 28 years, I feel
21 "that if these yearly functions have
22 "taken place for such a number of
23 "years, successful years, that a charter
24 "at this time would not be necessary.
25 "Therefore, I recommend that this
26 "charter not be granted." . . .

27
28
29 " No adverse report has been
30 "received by the Department with respect



1 "Ontario Provincial Police and to the
2
3
4 "report is dated April 20th, 1957, and
5 "indicated that the applicants had been
6 "winning golf tournaments for boys for
7 "some years, and coincided with the
8
9 "As the result of my investigation
10 "and referring to the information obtained
11 "from (a named person) . . .
12 I may say, Mr. Commissioner, in the
13 initial investigation these boys, we were not
14 naming these people, we were trying to give the
15
16 They are available in the files.
17 Q. That is suitable for my purpose.
18 A. . . . who had stated that
19 "similar tournaments had been held
20 "yearly for the past 25 years, I took
21
22 "taken place for such a number of
23 "years, successful years, that a charter
24 "at this time would not be necessary.
25 "Therefore, I recommend that this
26 "charter not be granted.
27
28
29 "No adverse report has been
30 "received by the Department with respect to



1 "to this corporation from the police
2 "or anyone else."

3 The Fleur de Lys Club, also not on the
4 list.

5 " The application was referred to
6 "the Toronto Police and the Ontario
7 "Provincial Police.

8
9
10 " No adverse report has been
11 "received by the Department with
12 "respect to this corporation from the
13 "police or anyone else."
14 The Independent Order of Goats, also not
15 on the list.

16 " The application was originally
17 "received on January 7th, 1955, and
18 "was refused on the grounds that the
19 "Club did not intend to hold real
20 "estate."

21 "
22 "Later, on March 23rd, 1955, it was
23 "reconsidered and referred to the Windsor
24 "Police."

25 "
26 " The report of the Windsor Police,
27 "dated April 19th, 1955, indicated
28 "that the applicants were favourably
29 "known in Windsor, but concluded as
30 "follows:

THE UNIVERSITY OF CHICAGO

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

... 1901/02 ...

.....

Approved by the Department of the Interior



1 " 'At this time it is felt that
2 " such incorporation would not serve
3 " any useful purpose and there is no
4 " apparent reason why any service
5 " work they have carried on could
6 " not be continued.'

7 " In the exercise of his discretion,
8 "the Hon.W.M.Nickle granted the Letters
9 "Patent dated the 22nd of February, 1955.

10 " No adverse report has been
11 "received by the Department with respect
12 "to this corporation from the police
13 "or anyone else."

14 Kratero Benevolent Association, not
15 on the list.

16 " An application had been made
17 "dated February 19th, 1960, which had
18 "been referred to the Ontario Provincial
19 "Police, the Royal Canadian Mounted Police
20 "and the Metropolitan Toronto Police."

21 "
22 " The Royal Canadian Mounted Police
23 "raised no objection and the Ontario
24 "Provincial Police report, dated March 7th,
25 "1960, concluded:

26 " 'As a result of this investigation,
27 " I can find no reason why the
28 " application for incorporation of
29 " the Kratero Benevolent Association
30 " should not be granted.'



At this time it is felt that
such incorporation would not serve
any useful purpose and there is no
work they have carried on could
not be continued.
In the exercise of his discretion,
the Hon. W.M. McKie granted the letters
patented the 2nd of February, 1922.
No adverse report has been
received by the Department with respect
to this application from the Police
at present.
An application had been made
been referred to the Ontario Provincial
Police, the Royal Canadian Mounted Police
and the Metropolitan Toronto Police.
The Royal Canadian Mounted Police
raised no objection and the Ontario
Provincial Police have also raised no
objection.
As a result of this investigation,
I am finding no reason why the
application for incorporation of
the Ontario Provincial Police
should not be granted.

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1 The Toronto Police report was
2 "dated June 3rd, 1960, and after
3 "referring to a conviction of one member
4 "for a breach of the Excise Act and the
5 "zoning regulations of the area proposed
6 "concluded:

7 "The applicants appear to have no
8 "definite purpose in mind in regards
9 "to the use of a charter. I am,
10 "therefore, opposed to the
11 "incorporation of this Association."

12 "The application was refused by the
13 "Department.

14 "A further application for Letters
15 "Patent was dated the 22nd day of March,
16 "1961."

17 And I should just like to touch on those
18 briefly, Mr. Commissioner.

19 "The objects are (a) To promote
20 "the interest of the community whose
21 "members' racial origin is from the Town
22 "of Kratero, Greece, and to preserve and
23 "perpetuate the associations and traditions
24 "of the said Town of Kratero; . . . "

25 And, then, at the end:

26 "PROVIDED, however, that the corporation
27 "shall not maintain a club house or
28 "similar premises other than at 115 Bond
29 "Street, in the City of Toronto.



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ANN ARBOR, MICHIGAN

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AA/3

" This was again referred to the
"Ontario Provincial Police and the Toronto
"Police.

"
"No adverse report has been received
"by the Department with respect to this
"Corporation from the police or anyone
"else."

If I may say, for a moment, Mr. Commissioner,
there is quite a custom and tradition in people
from Europe to form these associations based
on the town of origin. It seems to be common
with many of the European countries and we
receive in the Department quite often such
applications where people in Canada coming from
the same community of the old country wish to
form an association and become incorporated.

The next one, Lebanese Canadian Club,
not on the list.

" The application was referred to
"the Ontario Provincial Police and to
"the Windsor Police.

"
" No adverse report has been received
"by the Department with respect to this
"corporation from the police or anyone else."

Le Cercle Canadien Francais de Toronto.

This is on Mr. Wintermeyer's list. It is
shown on page 27.

" It was referred to the Ontario



This was again referred to the

Ontario Provincial Police and the Toronto

Police.

by the Department with respect to this

Corporation from the police or anyone

If I may say, for a moment, Mr. Commissioner,

there is quite a custom and tradition in people

from Europe to form these associations based

on the town of origin. It seems to be common

with many of the European countries and we

receive in the Department quite often such

applications where people in Canada coming from

the same community of the old country wish to

form an association and become incorporated.

The next one, Lebanese Canadian Club,

not on the list.

The application was referred to

the Ontario Provincial Police and to

the Windsor Police.

No adverse report has been received

by the Department with respect to this

Lebanese Canadian Association of Toronto.

This is on Mr. Wintermeyer's list. It is

shown on page 87.

It was referred to the Ontario



1 "Provincial Police "

2 If I may:

3 "The objects are at 386 Ontario

4 "Street, in the City of Toronto and not

5 "elsewhere, " - to do certain things.

6 "It was referred to the Ontario

7 "Provincial Police and the Toronto

8 "Police "

9
10 "No adverse report has been received by

11 "the Department with respect to this

12 "corporation from the police or anyone else."

13 The Maltese-Canadian Society of Windsor,

14 not on the list.

15 "The application was referred to

16 "the Royal Canadian Mounted Police, Ontario

17 "Provincial Police and Windsor Police.

18 "The Royal Canadian Mounted Police had

19 "no objection. . . . "

20
21 "No adverse report has been received by

22 "the Department with respect to this

23 "corporation from the police or anyone

24 "else."

25 Park Towers Club.

26 "The application was referred to

27 "the London Police and the Ontario Provincial

28 "Police.

29 "The London Police report is dated

30 "June 12th, 1961, and indicated that the



Provincial Police

If I may:

The objects are at 345 Ontario

street, in the City of Toronto and not

elsewhere, - to do certain things.

It was referred to the Ontario

Provincial Police and was referred

to the

The Ontario Police and was referred to

the Ontario Police and was referred to

corporation from the police or anyone else.

The Ontario-Canadian Society of Windsor,

was the first.

The application was referred to

the Ontario-Canadian Society of Windsor,

Provincial Police and Windsor Police.

The Ontario-Canadian Society of Windsor,

no objection.

"

No adverse report has been received by

the Department with respect to this

corporation from the police or anyone

else.

The Ontario-Canadian Society of Windsor,

The Ontario-Canadian Society of Windsor,

The Ontario Police and the Ontario Provincial

Police.

The Ontario Police report is dated

June 12th, 1961, and indicated that the



1 "Chief of Police knows of no reason
2 "why the application should not receive
3 "favourable consideration.

4 " The Ontario Provincial Police
5 "report is dated June 19th, 1961, and
6 "concludes as follows:

7 " 'The usual incorporation investigation
8 " is as a rule from some organization,
9 " such as a football, sports car, or
10 " boat club etc., but in this instance
11 " it is a group of people who I feel
12 " are out for personal gain. In my
13 " opinion, this incorporation will be
14 " used only to assist in obtaining
15 " a liquor license.'

16 " In the exercise of his discretion,
17 "the Hon. John Yaremko issued Letters
18 "Patent on the 20th day of June, 1961.

19 " No adverse report has been received
20 "by the Department with respect to this
21 "corporation from the police or anyone else."

22 Peaceful Pacers Incorporated is shown on
23 the list and is referred to on page 27.

24 " The application was referred to the
25 "Ontario Provincial Police and the Clerk
26 "of the Municipality of Kingston,
27 "Cataragui, as well as other departments
28 "of government.

29 " The Ontario Provincial Police report
30 "is dated July 5th, 1960, and does not make



"Chief of Police knows of no reason
"why the application should not receive
"favorable consideration.
"The Ontario Provincial Police
"report is dated June 19th, 1961, and
"concludes as follows:
"The usual incorporation investigation
"is as a rule from some organization,
"such as a football, sports car, or
"boat club etc., but in this instance
"it is a group of people who I feel
"are out for personal gain. In my
"opinion, this incorporation will be
"used only to assist in obtaining
"a liquor license.
"In the exercise of his discretion,
"the Hon. Justice Gauthier has
"refused on the 20th day of July 1961.
"No adverse report has been received
"by the Department with respect to this
"incorporation from the police or revenue division.
"Successful Factors Incorporated is shown on
"the list and is referred to on page 27.
"The application was referred to the
"Ontario Provincial Police and the Clerk
"of the Municipality of Kingston,
"Cataract, as well as other departments
"of Government.
"The Ontario Provincial Police report
"is dated July 5th, 1960, and does not make

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1 "any recommendation for or against the
2 "granting of the Letters Patent but
3 "indicates a lack of protection for
4 "spectators along the racing track.

5 "On September 29th, 1960, the applicants
6 "filed an undertaking to 'erect a proper
7 "rail which will afford adequate
8 "protection to the spectators at such
9 "races'.

10 " No report was received from the
11 "Municipality.

12 " In the exercise of his discretion,
13 "the Hon. John Yaremko issued Letters Patent
14 "dated October 3rd, 1960.

15 " No adverse report has been received
16 "by the Department with respect to this
17 "corporation from the police or anyone
18 "else."

19 Peterborough Central Business Association,
20 not referred to on the list.

21 " The application was referred to
22 "the Peterborough Police and the Ontario
23 "Provincial Police.

24 " The Chief Constable reports on
25 "May 20th, 1958, that he could not
26 "recommend the incorporation of the
27 "Association, as the persons listed did
28 "not represent the over-all Business Men's
29 "Association.

30 " The Ontario Provincial Police



any recommendation for or against the
"indicated a lack of protection for
"On September 23rd, 1950, the applicants
"filed an undertaking to 'forest a proper
"protection to the spectators at such
"races".
"No report was received from the
"In the course of the investigation
"the Hon. John Yarmack issued Letters Patent
"No. 2,111,111, dated July 1st, 1951.
"No adverse report has been received
"by the Department with respect to this
"corporation from the police or anyone
"else."
"The application was referred to
"The Ontario Provincial Police
"The Chief Constable reports on
"May 20th, 1953, that he could not
"recommend the incorporation of the
"Association, as the persons listed did
"not represent the over-all business men's
"The Ontario Provincial Police

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1 "report is dated May 30th, 1958, and
2 "does not oppose the granting of the
3 "application.

4 " In the exercise of his discretion,
5 "the Hon.G.H.Dunbar issued Letters
6 "Patent dated the 30th day of June, 1958.

7 " No adverse report has been received
8 "by the Department with respect to this
9 "Corporation from the police or anyone else."
10 Rhine-Danube Club, not on the list.

11 " The application was referred to the
12 "Leamington Police, the Ontario Provincial
13 "Police and the Royal Canadian Mounted
14 "Police . . .

15 "
16 " No adverse report has been received
17 "by the Department with respect to this
18 "corporation from the police or anyone
19 "else."

20 The Toronto Chinese Anti-Communist Club.

21 " The matter was referred to the
22 "Ontario Provincial Police, the Toronto
23 "City Police and the Royal Canadian Mounted
24 "Police.

25 " The Royal Canadian Mounted Police
26 "did not object to incorporation.

27 " The report of the Ontario Provincial
28 "Police, dated March 16th, 1953, reviews
29 "in detail interviews with certain Chinese
30 "gentlemen who were interested in the



"gentlemen who were interested in the

"in detail interviews with certain Chinese

"The report of the Ontario Provincial

"did not object to incorporation.

"The Royal Canadian Mounted Police

"Police.

"City Police and the Royal Canadian Mounted

"Ontario Provincial Police, the Toronto

"The report of the Ontario Provincial

"The report of the Ontario Provincial

"else."

"corporation from the police or anyone

"by the Department with respect to this

"No adverse report has been received

"

"Police."

"Police and the Royal Canadian Mounted

"The report of the Ontario Provincial

"The application was referred to the

"Rhine-Benue Club, not on the list.

"Corporation from the police or anyone else."

"The report of the Ontario Provincial

"The report of the Ontario Provincial

"Patent dated the 30th day of June, 1956.

"The report of the Ontario Provincial

"In the case of the Ontario

"Application.

"does not oppose the granting of the

"The report of the Ontario Provincial

"The report of the Ontario Provincial



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"application and their Solicitor and
"concludes:
" "In view of the conflicting
" information obtained the
" character of the premises involved,
" the close relationships of some
" of the applicants for the Toronto
" Chinese Anti-Communist Club and
" the Toronto Chinese Athletic
" Club . . . " - which, incidentally,

is on the next page, Mr. Commissioner -

" . . . with two separate premises involved
" with dual expense, I hesitate to
" recommend the granting of a
" charter with respect to 100
" Elizabeth Street, as I personally
" feel it would be only a short time
" before the premises would again
" be operated as a gambling den' . . .

"
" The Department has not been
" advised of any difficulty by the police
" or anyone else with respect to this
" corporation since."

The Toronto Chinese Athletic Club, not on
the list.

" The matter was referred to the
" Ontario Provincial Police, the Royal
" Canadian Mounted Police and the Toronto
" City Police. . . .



:sobyfanes"

'in view of the conflicting

character of the problem involved,

REPORT ON THE PROGRESS OF THE WORK DURING THE YEAR 1900

- continued on the next page, Mr. Commissioner

... with two separate premises involved

With great pleasure, I have to

001 of degree with notation

and it would be only a minor thing

before the President would speak

be operated as a gambling den

The Department has not been

"advised of any difficulty by the police"

or anyone else with respect to this

The Toronto Chinese Athletic Club, Inc. has an

fall out

The matter was referred to the

"Canadian Mounted Police and the 1972-1973

• • • Police • • •



RA/4

" No adverse report has been
"received by the Department with respect
"to this corporation from the police or
"anyone else."

Toronto Negro Veterans' Association, not
on the list.

" The matter was referred to the
"Provincial Police and the Toronto City
"Police, as well as other interested
"Departments. . . .

"
" No adverse report has been received
"by the Department with respect to this
"corporation from the police or anyone
"else."

Ukrainian Hethman Organization referred
to in the list on page 27.

" The matter was referred to the
"Ontario Provincial Police and the Toronto
"Police. The Toronto Police had no
"objection to the granting of the charter,
"and the report of the Ontario Provincial
"Police is dated the 15th day of June, 1960.
"The report indicates that each one of
"the applicants was checked at their
"places of employment and the principals
"of the organization were interviewed.
"The Ontario Provincial Police report
"they concludes:

" 'Although the character of the



"No adverse report has been

"received by the Department with respect

"to this corporation from the police or

"any other source."

"Toronto Negro Veterans' Association, not

on the list.

"The matter was referred to the

"Provincial Police and the Toronto City

"Police, as well as other interested

"agencies."

"

"No adverse report has been received

"by the Department with respect to this

"corporation from the police or anyone

"else."

"The matter was referred to the

to in the list on page 27.

"The matter was referred to the

"Ontario Provincial Police and the Toronto

"Police. The Toronto Police had no

"objection to the granting of the charter,

"and the report of the Ontario Provincial

"Police is dated the fifth day of June, 1930.

"The report indicates that each one of

"the applicants was checked at their

"places of employment and the principals

"of the organization were interviewed.

"The Ontario Provincial Police report

"

"Although the character of the



1 " principals seems to be beyond
2 " reproach it would appear that there
3 " is dissention between this club
4 " and their headquarters and in addition
5 " it appears that the Toronto Branch
6 " of the U.S.S.A. . . . " - that
7 is the Ukrainian Sporting Sith Association -

8 " ' . . . wishes to receive benefits

9 " of the National Association but

10 " wants protection from having to

11 " support it. In view of the above

12 " I cannot recommend that incorporation

13 " be granted to the Ukrainian Hethman

14 " Organization under the present

15 " circumstances.' "

16 Q. What does "U.S.S.A. " stand for?

17 A. Ukrainian Sporting Sith Association.

18 MR. WILSON: Q. How do you spell "Sith"?

19 A. S-i-t-c-h. It is a term of art
20 applying to a Cossack band in the Old Country,
21 I believe.

22 THE COMMISSIONER: Q. Applied to what?

23 A. The Ukrainian Cossacks in, I think,
24 after the first World War, or even -- it may
25 embarrass me for not knowing the history of my
26 parents. But, Sith is a very ancient organization
27 within the Ukraine and the Old Country. It is
28 spelled S-i-t-c-h and it is a romantic organization
29 of the Cossacks on horseback. The U.S.S.A.
30 is the Ukrainian Sith Association, which had



known to be beyond

and that headquarters are in position

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of the U.S.S.R. and to

is the Ukrainian Sporting Union Association -

1. wishes to resolve himself to

of given motivation having to

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¹ *Ibid.*, p. 107.

1975-1976 * A.P.V. * 1976-1977

... ..

MR. WILSON: I have not yet seen it. I have not yet seen it.

3-1-3-1-2 .A

applying to a Coonack band in the Old Country.

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THE COMMISSION : 2. A

4. The Executive Committee in 1941

you'll -- have to, you'll have to get it

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But, which is a very ancient organization.

applied 2-1-6-c-n and it is a somewhat organic type

of the Committee on Assassinations, The U.S.S.A.



1 carried on here in the city for a number of years.

2 " At least one of the applicants
3 "and the organization had been known
4 "to the Minister personally for a number
5 "of years, and in the exercise of his
6 "discretion, the Hon. John Yaremko issued
7 "Letters Patent on July 12th, 1960.

8 " No adverse report has been received
9 "by the Department with respect to this
10 "corporation from the police or anyone
11 "else."

12 The Unmarried Peoples Association is on
13 the list on page 27.

14 " The matter was referred to the
15 "Ottawa Police and the Ontario Provincial
16 "Police. The report of the Ottawa
17 "Police was dated January 28th, 1960,
18 "and concludes in part: . . .

19 "

20 _____
21 " No adverse report has been received
22 "by the Department with respect to this
23 "corporation from the police or anyone
24 "else."

25 Windsor Choristers Athletic Club, not on
26 the list.

27 " The application was referred to the
28 "Windsor Police and the Ontario Provincial
29 "Police. . . .

30 "



5276
At least one of the applicants

"and the organization had been known
"to the Minister personally for a number
"of years, and in the exercise of his
"discretion, the Hon. the Minister
"lasted period in 1911, 1912.
"No adverse report has been received
"by the Department with respect to this
"corporation from the police or anyone
"else."

The Unmarried Peoples Association is on
the list on page 27.

"The matter was referred to the
"Ottawa Police and the Ontario Provincial
"Police. The report of the Ottawa
"Police was dated January 24, 1912.
"and returned as follows:

"No adverse report has been received
"by the Department with respect to this
"corporation from the police or anyone
"else."

Windsor Choralists Athletic Club, not on

The application was referred to the
"Ottawa Police and the Ontario Provincial
"Police. . . .



1 " No adverse report has been received
2 "by the Department with respect to this
3 "corporation from the Police or anyone else."
4 Windsor Magic Circle, on the list on page 27.

5 " The application was referred to
6 "the Ontario Provincial Police and the
7 "Windsor Police. . . .

8 "
9 " 'It would, therefore, suggest'

10 - I do not know whether the word "it" should
11 be "I" or "it", but the sense is there -

12 " 'It would, therefore, suggest
13 " that incorporation not be
14 " granted at this time and that a
15 " new application be submitted when
16 " the organization is placed on a
17 " more permanent basis and the
18 " membership increased.' . . .

19 "
20 "
21 " In view of this information the
22 "Hon.Mackinnon Phillips in the exercise of
23 "his discretion, issued Letters Patent
24 "dated May 3rd, 1960, the Ontario Provincial
25 "Police and the Windsor Police were
26 "notified by letter as to the fact that
27 "the applicabhs had been in existence
28 "since 1951, and were carrying on
29 "activities including lectures, demnnstrat-
30 "ions and socialwork."

Mr. Commissioner, I notice above we



"long and social work."

"Stone has not"

"since 1991, and were carrying on

"the applicant had been in existence

"notified by letter as to the fact that

"Police and the Windsor Police were

"dated May 3rd, 1960, the Ontario Provincial

THE UNIVERSITY OF CHICAGO

"Hon. William Phillips in the exercise of

and notwithstanding said to view of

membership increased

"the organization is placed on a local basis"

new application to submitted when

STANDARD OF THE UNITED STATES, 1910

[illegible]

17.02.2016 10:00:00



1 referred to 1959 and 1951. I will have to
2 check to see whether that date "since May of 1959"
3 in the eighth line from the bottom is correct.
4 I believe it should be 1951.

5 " No adverse report has been received
6 "by the Department with respect to this
7 "corporation from the police or anyone
8 "else."

9 The Yacht Club of Port Credit.

10 " The first application for
11 "incorporation was dated the 2nd day of
12 "April, 1959, "

13
14
15 " The application was referred to the
16 "Port Credit Police and to the Ontario
17 "Provincial Police." - and this is not
18 on the list -

19 ". . . and to the Ontario Provincial
20 "Police. The Ontario Provincial Police
21 "report is dated the 12th day of June, 1959,
22 "and while stating that they had no
23 "objection to the operation of the Yacht
24 "Club they advised that the illegal
25 "sale of liquor was being operated on the
26 "Yacht Club premises.

27 "

28 " No adverse report has been received
29 "by the Department with respect to this
30 "corporation from the police or anyone



referred to 1953 and 1951. I will have to
 check to see whether that date "since May of 1953"
 in the eighth line from the bottom is correct.
 I believe it should be 1951.

"No adverse report has been received
 by the Department with respect to this
 corporation from the police or anyone
 else."

The Yacht Club of Port Credit.
 The first application for
 incorporation was dated the 2nd day of

The application was referred to the
 Port Credit Police and to the Ontario
 Provincial Police. - and this is not
 on the list -
 "... and to the Ontario Provincial

Police. The first Provincial Police
 report is dated the 15th day of June, 1953,
 and while stating that they had no
 objection to the operation of the Yacht
 Club they advised that the illegal
 sale of liquor was being operated on the

No adverse report has been received
 by the Department with respect to this
 corporation from the police or anyone



1 "else."

2 Now, on page 26 and 27 we summarize - -
3 are summarized, Mr. Commissioner, -- It is
4 headed:

5 " The list supplied on behalf of Mr.
6 "Wintermeyer (referred to in the brief)
7 "in which is alleged the issuance of
8 "'letters patent or supplementary letters
9 "patent despite adverse reports from the
10 "Ontario Provincial Police ', is as follows:--"

11 And, then, we have listed that.

12 We have dealt with all of them in detail
13 with the exception of three, which begin on
14 page 28.

15 " The details of these three
16 "remaining Corporations, which are listed
17 "on behalf of Mr. Wintermeyer as having
18 "been 'issued letters patent or supplementary
19 "letters patent despite adverse reports
20 "from the Ontario Provincial Police',
21 "are as follows: . . .

22 "

23 " The application for Supplementary
24 "Letters Patent was refused.

25 " Mr. Wintermeyer is incorrect.

26 " 3. CHEE KUNG TONG . . . "

27 - this is also on the list and we dealt with that
28 earlier. That was where an application was
29 made for an order to revive this corporation.
30



"else."

Now, on page 26 and 27 we summarize --

and summarized, Mr. Commissioner, -- It is

headed:

"The list supplied on behalf of Mr.

"Wintermeyer (referred to in the list)

"The list is signed by Wintermeyer

"The list is signed by Wintermeyer

"patent despite adverse reports from the

"Ontario Provincial Police," as an official

"The list is signed by Wintermeyer

We have dealt with all of them in detail

with the exception of three, which begin on

page 28.

"The details of these three

"The details of these three

"on behalf of Mr. Wintermeyer as having

"been issued letters patent on supplementary

"letters patent despite adverse reports

"from the Ontario Provincial Police,"

"are as follows:

"The application for supplementary

"Letters Patent was refused.

"The application for supplementary

"3. CHEE KONG TONG . . ."

-- this is also on the list and we dealt with that

earlier. That was where an application was

made for an order to revive this corporation.



1 "The application was referred to the
2 "Ontario Provincial Police and the
3 "Metropolitan Toronto Police.

4 " The application was refused.

5 " Mr. Wintermeyer is incorrect."

16
17 (Page 9555 follows)
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"The application was referred to the

"Ontario Provincial Police and the

"

"The application was referred.

"Mr. Wintermeyer is incorrect."

(Page 9555 follows)

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B/FJMcG/1

1 THE WITNESS: Now, if I may continue, on
2 page 29 of Appendix H:

3 "In order to properly appreciate
4 ". . . . (reading) Appendix D,
5 "item 2."

6 Mr. Commissioner, that was the letter
7 the Deputy Minister sent to all Chiefs of
8 Police at the time the policy was made. It
9 was a three page letter.

10 "Commencing in August of 1946
11 " (reading) on page 29)
12 "or other illegal activities."

13 THE COMMISSIONER: The present form, is
14 that the one that was adopted on May 29th,
15 1961?

16 A. Yes. That is the form that
17 is currently, and has been since that time,
18 used because a memorandum -- in dealing with
19 the tremendous volume of business we have
20 letters which are barely form letters, and
21 that is the form which is used. I would
22 not say without exception because there may
23 be cases where whoever is dictating these
24 letters picks up as a precedent one of the
25 other letters. But this is a form that
26 was adopted as of the 29th of May -- actually
27 it would be adopted subsequent to that time
28 because we waited until we had received --
29 on page 40 is a memorandum from Mr. Levine,
30 the Director of Companies, which would be



100-100000

THE COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT

page 29 of Appendix B:

"In order to properly administer

" . . . (reading) . . . Appendix B,

" . . .

Mr. Commissioner, that was the letter

the Deputy Minister sent to all Chiefs of

Police at the time the policy was made. It

was a three page letter.

"Commencing in August of 1948

" . . . (reading) on page 29) . . .

"or other illegal activities."

THE COMMISSIONER: The present form, in

that the one that was adopted on May 25th,

1951

A. Yes. That is the form that

is currently, and has been since that time,

used because a memorandum -- in dealing with

the tremendous volume of business we have

letters which are barely form letters, and

that is the form which is used. I would

not say without exception because there may

be cases where whoever is drafting those

letters picks up as a precedent one of the

other letters. But this is a form that

was adopted as of the 25th of May -- usually

it would be adopted subsequent to that time

because we waited until we had received --

on page 40 is a memorandum from Mr. Levis,

the Director of Companies, which would be



1 directed to the other solicitors in the Department.
2 They have a book which contains many memoranda.
3 That is the direction which went out to the
4 solicitors in the Department on the 6th of
5 July, 1961.

6 Do you wish me to read all the following
7 letters? On page 30 there is a sample
8 letter, on 31 a sample letter, on page 32 a
9 sample letter, on page 33 a sample letter,
10 and then there is the correspondence between
11 the Department of the Provincial Secretary
12 and the Attorney General's Department and
13 the memoranda.

14 Q. No. I was advised that you
15 wanted a recess at 3.25.

16 A. Yes, if I may.

17 Q. Will ten minutes be adequate
18 for your purposes?

19 A. That will be fine, Mr. Commissioner.

20
21 ---A short recess.

22 THE WITNESS: I return, Mr. Commissioner,
23 to the brief at page 82, the middle of the
24 page on the left hand side. Mr. Wintermeyer
25 stated:

26 "Secondly, that despite the
27 "declared policy of the government
28 "and the requirement of the law,
29 "these clubs have been able to
30 "operate with relative impunity for



directed to the other collection in the Department.
They have a book which contains many memoranda.
That in the direction which went out to the
collections in the Department on the 2nd of
July, 1911.
Do you wish me to read all the following
letters? On page 30 there is a sample
letter, on 31 a sample letter, on page 32 a
sample letter, on page 33 a sample letter,
and then there is the correspondence between
the Department of the Provincial Secretary
and the Attorney General's Department and
the Department.
Q. No. I was advised that you
would be able to do it.
A. Yes, I can.
Q. Will ten minutes be adequate
for your purpose?
A. That will be time, Mr. Commissioner.
— That is correct.
The Chairman: I suggest Mr. Commissioner,
to be brief to save time, the matter of the
page on the left hand side. Mr. Hirstenmeyer
stated:
"Secondly, that despite the
"unpleasant position of the Government
"and the requirement of the law,
"these claims have been able to
"operate with relative impunity for

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1 "long periods of time."

2 Our comment, Mr. Commissioner, is on the
3 right:

4 "The Department submits that
5 "there is no evidence whatsoever to
6 "substantiate the accuracy of this
7 "statement. Further the Department
8 "submits that there is conclusive
9 "evidence to the contrary.

10 "In Appendix K referred to supra
11 "it will be seen from this list that
12 "every complaint made by the police
13 "has been dealt with by the Department
14 "and the charter in each case has
15 "been cancelled or proceedings to
16 "cancel have been initiated."

17 THE COMMISSIONER: Q. Just a moment.
18 Mr. Wintermeyer says:

19 "Secondly, that despite the
20 "declared policy of the government
21 "and the requirement of the law,
22 "these clubs have been able to
23 "operate with relative impunity
24 "for long periods of time."

25 And your answer is that:

26 "The Department submits that
27 "there is no evidence whatsoever to
28 "substantiate the accuracy of this
29 "statement."

30 Now, that statement, "There is no evidence



along periods of time." "On the
 other comment, Mr. Commissioner, in on the

"There is no evidence whatsoever to
 substantiate the charges of this
 character. Further, the Department
 submits that there is conclusive
 evidence to the contrary."

"In Appendix K referred to supra
 it will be seen from this fact that
 every complaint made by the police
 has been dealt with by the Department
 and the character in each case has
 been cancelled or proceedings to
 cancel have been initiated."

THE COMMISSIONER: A. Just a moment.
 Mr. Wintermeyer says:

"Secondly, that despite the
 declared policy of the Government
 and the requirement of the law,
 these cases have been able to
 remain in the relative immunity
 for long periods of time."

And your answer is that:

"The Department submits that
 there is no evidence whatsoever to
 substantiate the charges of this
 character."

Now, that statement, "There is no evidence



1 whatsoever"; certainly there has been evidence
2 before me.

3 A. Well, of course, this, I believe,
4 is a question revolving around what he would
5 mean by these clubs. He is referring to
6 55 chartered clubs in Toronto which have
7 been convicted or suspected of gaming within
8 recent date. I think this is the first
9 instance on which you have had any evidence
10 before you relating to the number of these
11 clubs. I have not read the testimony but I
12 believe there has been testimony with
13 reference to some clubs and the period of
14 time that they have been in operation.

15 Q. Take the Centre Road Vets Club,
16 for example, and the Roseland Club in
17 Windsor, and the Frontier Club in Niagara
18 Falls; there certainly have been pages and
19 pages of evidence before me concerning them.

20 A. Yes.

21 Q. Notwithstanding the policy of
22 the government and the requirements of the
23 law, those clubs have been able to operate
24 with relative impunity for a long period of
25 time?

26 A. I am relating that statement
27 to his statement where he says:

28 "Firstly, police have demon-
29 "strated they know of 55 chartered
30 "clubs in Metro which have been



wherever; certainly there has been evidence

before me.

A. Well, of course, this, I believe,

is a question revolving around what he would

mean by these clubs. He is referring to

55 chartered clubs in Toronto which have

been mentioned in connection with the

recent date. I think this is the time

to say that these clubs are not

before you relating to the number of these

clubs. I have not read the testimony and I

believe there has been testimony with

reference to some clubs and the period of

time that they have been in operation.

Q. Take the Centre Road Vets Club,

for example, and the Roseland Club in

Windsor, and the Pioneer Club in Niagara

Falls; these certainly have been pages and

pages of evidence before the committee.

A. Yes.

Q. Notwithstanding the policy of

the Government and the requirements of the

law, these clubs have been able to operate

with relative impunity for a long period of

time?

A. I am relating that statement

is the statement made by the

committee.

"stated they know of 55 chartered

"clubs in Metro which have been



1 "convicted or suspected of gaming within
2 "recent dates."

3 There again it is a generality, Mr. Commissioner.

4 "I do not suggest that this is an all-
5 "inclusive figure, but by itself it
6 "indicates that widespread gaming
7 "is a fact in Metro Toronto.

8 "Secondly, that despite the
9 "declared policy of the government and
10 "the requirement of the law, these
11 "clubs have been able to operate
12 "with relative impunity for long
13 "periods of time."

14 Now, when we were preparing our brief,
15 which of course was prior to the evidence
16 which has been presented to you, we related
17 the word "these" to the 55 that he was
18 referring to, not the three or four -- I don't
19 know what the number actually is.

20 Q. I only referred to those three
21 ~~the~~ as among those operated with impunity
22 despite the regulations and the law.

23 A. Appendix K is the list of
24 complaints of the Metropolitan Toronto Police.
25 If I may refer to that appendix and bring it
26 to your attention, there is a list submitted
27 by James Mackey, Chief of Police of
28 Metropolitan Toronto, and he lists clubs
29 there, a substantial number. We have based
30 our statement on the basis not in relationship



"convicted or suspected of gaming within
"recent dates."
There again is a generality, Mr. Commissioner.
"I do not suggest that this is an all-
"inclusive figure, but by itself it
"indicates that widespread gaming
"is a fact in Metro Toronto.
"Secondly, that despite the
"declared policy of the Government and
"the requirement of the law, these
"clubs have been able to operate
"with relative impunity for long
"periods of time."
Now, when we were preparing our brief,
which of course was prior to the evidence
which has been presented to you, we relied
the word "these" to the 25 that he was
referring to, not the three or four -- I don't
know what the number actually is.
I am relying on these facts
that as among those operated with impunity
despite the regulations and the law.
A. I am relying on the fact that
complaints of the Metropolitan Toronto Police.
If I may refer to that appendix and bring it
to your attention, there is a list submitted
by James Mackey, Chief of Police of
Metropolitan Toronto, and he lists clubs
there, a substantial number. We have based
our statement on the basis not on individual

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1 to two or three or four -- I am not aware of
2 how many specific clubs have been presented
3 in evidence to you to this date -- but we
4 were looking at this statement, as I say, in
5 relationship to the figure of 55.

6 Now, Mr. Commissioner, the evidence as
7 to the Centre Road operations and the Roseland
8 and the others, of course, has been put in
9 before you apart from the speech which we
10 have been examining, but I do direct your
11 attention to Appendix K.

12 Q. Well, I have not thought to pay
13 particular attention to the number, whether
14 it is 55, 26, or 12, whatever it may be, but
15 there has certainly been conclusive
16 evidence before me that a number of these
17 social clubs, despite the policy of the
18 government or the requirements of the law,
19 have operated for long periods of time.
20 We have spent days listening to evidence as
21 to the extent of their operations and how
22 they evaded or frustrated the police.

23 I am only drawing that to your attention,
24 Mr. Yaremko.

25 A. In the summary ---

26 Q. And if they did that, despite the
27 policy of the government and the requirements
28 of the law, I suppose the fact that they did
29 it doesn't reflect adversely on the government.

30 A. I agree, Mr. Commissioner.



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to two or three or four -- I am not aware of
how many specific alphas have been presented
in evidence -- I am not aware of
were looking at this statement, as I say, in
relationship to the figure of 55.

Now, Mr. Commissioner, the evidence as
to the Centre Road operations and the Roseland
and the others, of course, has been put in
before you apart from the speech which we
have been examining, but I do direct your
attention to Appendix K.

Q. Well, I have not thought to pay
particular attention to the number, whether
it is 55, 56, or 58, whatever it may be, but
there has certainly been conclusive
evidence before me that a number of these
social alphas, despite the policy of the
Government or the requirements of the law,
have operated for long periods of time.
We have spent days listening to evidence as
to the extent of their operations and how
they evaded or frustrated the police.

I am only drawing that to your attention,
Mr. Yarnham.

A. In the summary --
I am not aware of the
policy of the Government and the requirements
of the law, I suppose the fact that they did
it doesn't reflect adversely on the Government.



1 Q. But I was challenging what you
2 said that the Department submits that there
3 is conclusive evidence to the contrary. I
4 cannot agree with that.

5 A. Well, as I say, I qualify that.
6 That was made in relationship to the figure
7 of 55. I suggest to you, Mr. Commissioner,
8 that perhaps the Chief of Police of
9 Metropolitan Toronto, whose municipality
10 contains this 55, is in the best position
11 to tell me, in any event, although I do not
12 know the relative period of time that any
13 of these clubs have been incorporated, have
14 been in action. Later on we will be giving
15 a summary.

16 I have already indicated that after
17 a meeting in the first week of January, 1960,
18 when Chief Mackey was present at a meeting
19 with the Deputy Minister and the Deputy
20 Minister said, "Well, submit your complaints",
21 that in 1960 and 1961, the two years that
22 followed that interview, less than two
23 years, there were 32 charters cancelled.

24 Now, as to how long they had been in
25 operation, we really do not know, but the
26 Department took action as soon as this was -----

27 Q. All right.

28 A. We will be dealing with the fact
29 that a great number of them were done by
30 reason of conviction, and the Toronto Police



Q. But I was challenging what you
 said that the Department would not
 in conclusive evidence to the contrary. I
 cannot agree with that.

A. Well, as I say, I qualify that.
 That was made in relationship to the right
 to be a member of the Department. I am not
 saying that the Department is not a
 metropolitan agency, which is a
 something like it, in the best position
 to tell me, in any event, although I do not
 know the relative period of time that
 of these cases have been incorporated, have
 been in action. Later on we will be giving
 a summary.

I have already indicated that there
 a meeting in the first week of January, 1960,
 when Chief McNee was present at a meeting
 with the Deputy Minister and the Deputy
 Minister said, "Well, what are we going to
 that in 1960 and 1961, the two years that
 followed that interview, less than two
 years, there were 32 officers cancelled.
 Now, as to how long they had been in
 operation, we really do not know, but the
 Department took action as soon as this was

Q. All right.
 A. We will be dealing with the fact
 that a great number of them were done by
 reason of conviction, and the Toronto Police



1 had taken the necessary action to ensure that
2 they didn't operate with impunity. But that
3 statement was in relationship to the 55
4 rather than a small number.

5 Mr. Wintermeyer continues:

6 "Thirdly, the action of the
7 "hon. Provincial Secretary's Department
8 "in granting charters to clubs in the
9 "face of police objection and the
10 "subsequent convictions of many
11 "clubs for gaming leads one to
12 "conclude that the granting of
13 "charters was in fact a temporary
14 "licence to game. The failure of
15 "the hon. Attorney General's
16 "Department to act against these
17 "clubs in the face of adverse
18 "reports indicates at least a
19 "complete lack of liaison between
20 "the hon. Attorney General and the
21 "hon. Provincial Secretary. At
22 "worst, it could be said that
23 "negligence of the two departments
24 "permitted the operation of gaming
25 "houses."

26 Then the Department's comment:

27 "The Department submits that
28 "these statements by Mr. Wintermeyer
29 "are completely false
30 "(reading on page 82) in the



had taken the necessary action to ensure that
the right of the public to know was not
statement was in relationship to the 25
rather than a small number.

Mr. Wintermeyer continued:

"Thirdly, the notion of the

the historical context of the

"in granting charters to clubs in the

"face of police objection and the

"the historical context of the

"clubs for gaming leads one to

"conclude that the granting of

"charters was in fact a temporary

"licence to game. The failure of

"the hon. Attorney General

"Department to act against these

"clubs in the face of adverse

"reports indicates at least a

"complete lack of liaison between

"the hon. Attorney General and the

"hon. Provincial Secretary. As

"would, it could be said that

"negligence of the two departments

"permitted the operation of gaming

"clubs."

Then the Department's comment:

"The Department submits that

"these statements by Mr. Wintermeyer

"are completely false . . .

"(reading on page 25) . . . in the



1 "face of police objection."

2 I qualify that at this stage because since
3 this brief was prepared the Bathurst-Sheppard
4 Club -- and we have gone into the details of
5 the type of report involved -- in that
6 regard the Letters Patent of that club have
7 been cancelled for breach of the provisions
8 of the Letters Patent.

9 "Further, in none of the cases
10 "where the Department has granted
11 "incorporation after July, 1950
12 "(reading on page 83) let
13 "alone a conviction of the club."
14 That is where the Bathurst-Sheppard
15 should come in, Mr. Commissioner.

16 "The Department submits that the
17 "statement and conclusion Mr.
18 "Wintermeyer indicated is totally
19 "erroneous (reading on
20 "page 83) administration
21 "of the law and departmental policy
22 "with respect to social clubs."
23 Mr. Wintermeyer, on the left hand side,
24 states:

25 "Mr. Speaker, there are three
26 "other aspects of the problem
27 "presented with the social club
28 "charters that I would like to raise,
29 "and they are these:

30 "1. The problems created by



"Place of police objection."

I qualify that at this stage because since

this brief was prepared the Nathaniel-Shepard

Club -- and we have gone into the details of

the type of report involved -- in that

regard the latter Patent of that club have

been cancelled for breach of the provisions

of the latter Patent.

"Further, in none of the cases

"where the Department has granted

"incorporation after July, 1950

"(reading on page 8) let

"alone a conviction of the club."

That is where the Nathaniel-Shepard

Club was at the time.

"The Department has not

"statement and conclusion in

"the report dated January 19, 1951

"entirely (reading on

"page 8) administration

"of the law and departmental policy

"has respect to social clubs."

"The Department has not

"other aspects of the problem

"presented with the social club

"character that I would like to raise,

"and they are these:

"1. The problem created by



1 "the failure of the government to make
2 "retroactive its regulations governing
3 "the change of address of a social
4 "club."

5 Then, Mr. Commissioner, on the right
6 the comment of the Department:

7 "As Mr. Wintermeyer elaborates
8 "on this matter infra the Department
9 "will discuss the matter at that
10 "point."

11 Then, Mr. Commissioner, on the left:

12 "3. The interlocking nature of
13 "gambling clubs as revealed by the
14 "presence of certain individuals,
15 "many of them convicted gamblers --- "

16 Q. Where are you reading from?

17 A. No. 3 on the left, Mr. Commissioner.

18 I skipped No. 2.

19 Q. Oh, yes; that is all right.

20 A. (Reading):

21 " . . . certain individuals, many
22 "of them convicted gamblers or
23 "convicted found-ins of gaming
24 "houses as officers, directors or
25 "members of many different social
26 "clubs."

27 Then, Mr. Commissioner, the comment:

28 "The Department has discussed
29 "this matter supra.

30 "At that point the Department



"The failure of the Government to make

"retrospective law regulations governing

"the change of address of a social

"club."

Then, Mr. Commissioner, on the right

the comment of the Department:

"As Mr. Commissioner said:

"on this matter into the Department

"will discuss the matter as that

"point."

Then, Mr. Commissioner, on the left:

"The following matter is

"gambling clubs as revealed by the

"presence of certain individuals,

"many of them convicted gamblers -- "

Q. Where are you reading from?

A. No. 3 on the left, Mr. Commissioner.

I entered No. 2.

Q. Oh, yes; that is all right.

A. (Reading):

"... certain individuals, many

"of them convicted gamblers or

"convicted house-keepers of gaming

"houses as officers, directors or

"members of many different social

"clubs."

Then, Mr. Commissioner, the comment:

"The Department has discussed

"the matter as follows:

"At that point the Department



1 "analyzed the implications of those
2 "statements and pointed out the
3 "fallacy inherent in them."

4 Then, on the left of page 84, Mr. Wintermeyer
5 said:

6 "Mr. Speaker, the first point
7 "deals with the government policy
8 "towards the social club charters
9 "issued before 1949 (reading
10 "on page 84) and continued
11 "in business, very often on the
12 "very same site."

13 Then, Mr. Commissioner, the comment of
14 the Department on the right is:

15 "The present policy of the
16 "Department requiring that in the
17 "case of all corporations having
18 "objects in whole or in part of a
19 "social nature (reading
20 "on page 84) issued a
21 "regulation would not be valid but
22 "a statutory amendment was required."

23 Then, Mr. Commissioner, at the top of
24 page 85, on the left:

25 "There is the case of 1289
26 "Bloor Street West. In 1959 this
27 "was the Toronto Branch of the
28 "Montcalm Amateur Athletic Association,
29 "an Ottawa club, that was closed up
30 "when the Ottawa headquarters was



"emphasized the importance of those

"statements and pointed out the

"policy inherent in them."

Then, on the left of page 34, Mr. Wintermyer

also:

"Mr. Speaker, the first point

"deals with the government policy

"towards the social club charter

"passed before 1949 . . . (reading

"on page 34) . . . and continued

"in business, very often on the

"very same site."

Then, Mr. Commissioner, the content of

the Department on the right is:

"The present policy of the

"Department is to . . .

"issue of all corporations having

"objects in whole or in part of a

"social nature . . . (reading

"on page 34) . . . issued a

"resolution would not be valid but

"a statutory amendment was required."

Then, Mr. Commissioner, at the top of

page 35, on the right:

"There is the case of 1939

"Bloor Street West. In 1939 this

"was the Toronto Branch of the

"Canadian Labour Union Association."

"an Ottawa club, that was closed up

"when the Ottawa headquarters was



1 "convicted of gaming."

2 Then the Department's comment on the
3 right:

4 "Montcalm Amateur Athletic
5 "Association.

6 "Incorporated under The Ontario
7 "Companies Act by Letters Patent dated
8 "August 28, 1931 (reading on
9 "page 85) indicating that it
10 "ever operated at 1289 Bloor Street
11 "West, Toronto, as alleged by Mr.
12 "Wintermeyer."

13 On the left Mr. Wintermeyer states:

14 "After cancellation of the Montcalm
15 "charter the Greek Canadian Social
16 "Club which was organized in Ottawa
17 "in 1915 opened at the same address.

18 "The public file makes it
19 "clear that this club had been
20 "dormant for many years and its
21 "records lost. The Toronto law
22 "firm of Herman, Moses & Rose and
23 "McReath and Lamar sought to produce
24 "substitute records, but the charter
25 "was cancelled on January 30, 1960,
26 "as a result of police representations."

27 Then, Mr. Commissioner, on the right
28 it is stated:

29 "The Greek Canadian Club --
30 "it is assumed that the reference by



"consisted of gaming."
Then the Department's comment on the

of 1907:

"The Department's report
concluded that the

"The Department's report
concluded that the

"August 28, 1931 . . . (reading on

"page 45) . . . indicating that it

"ever operated at 1209 Broad Street

"West, Toronto, as alleged by Mr.

"The Department's report
concluded that the

"After cancellation of the license

"chapter the Greek Canadian Social

"Club which was organized in Ottawa

"in 1913 and was active

"The public file shows it

"clear that this club had been

"dormant for many years and its

"records lost. The Toronto Jan

"Time of Herman, Moses & Rose and

"McKee and Laman sought to produce

"substantive records, but the charter

"was cancelled on January 30, 1900,

"as a result of police investigations."

Then, Mr. Commissioner, on the right

it is stated:

"The Greek Canadian Club --

"it is assumed that the reference by



1 "the Leader of the Opposition to Greek
2 "Canadian Social Club has reference
3 "to this club which has been discussed
4 "supra."

5 Then, Mr. Commissioner, on the left:

6 "Let us now look at 111½ King
7 "Street West. Until early 1959 this
8 "was the location of the Dorchester
9 "Club of Picton which was incorporated
10 "in 1947. The charter was dissolved
11 "on May 14th, 1959, as a result of a
12 "court conviction."

13 Then, Mr. Commissioner, the Department's
14 comment on the right:

15 "The Dorchester Club of Picton.
16 "Incorporated under The Ontario
17 "Companies Act by Letters Patent dated
18 "August 30, 1947 (reading on
19 "page 85) an order dated
20 "January 14, 1959, was made cancelling
21 "the Letters Patent effective
22 "February 14th, 1959."

23 Then, Mr. Commissioner, on page 86 on
24 the left hand side Mr. Wintermeyer stated:

25 "The premises are currently
26 "occupied by the Community Social
27 "Club, which was incorporated in 1934
28 "and which is a suspected gaming
29 "house. The police know it to be
30 "at this address but beyond the hon.



"the leader of the opposition to Greek

"the leader of the opposition to Greek

"to this club which has been discussed

"the leader of the opposition to Greek

"the leader of the opposition to Greek

"let us now look at this thing

"the leader of the opposition to Greek

"was the location of the Dorothea

"the leader of the opposition to Greek

"in 1947. The charter was cancelled

"on May 14th, 1952, as a result of a

"the leader of the opposition to Greek

Then, Mr. Commissioner, the Department's

comment on the right:

"The Dorothea Club of Boston.

"Incorporated under the Ontario

"Companies Act by letters patent dated

"August 30, 1947. . . . (reading on

"page 85) . . . on order dated

"January 14, 1952, was made cancelling

"the letters patent effective

"the letters patent effective

"the letters patent effective

Then, Mr. Commissioner, on page 85 on

the left hand side Mr. Wintermyer stated:

"the letters patent effective

"occupied by the Community Social

"Club, which was incorporated in 1934

"and which is a suggested gaming

"house. The police know it to be

"as this address is behind the house.



1 "Provincial Secretary's records give
2 "the location of the Community Social
3 "Club as 1335 Dundas Street West."

4 Then, Mr. Commissioner, the Department's
5 comment on the right:

6 "Community Social Club.

7 "Incorporated under The Ontario
8 "Companies Act by Letters Patent dated
9 "December 13, 1934 (reading
10 "on page 86) if, as Mr.
11 "Wintermeyer stated on the date of
12 "his speech, November 29, 1961, 'The
13 "premises are currently occupied by
14 "the Community Social Club' it does
15 "so as an unincorporated body."

16 Then, Mr. Commissioner, on the left
17 Mr. Wintermeyer mentions the Union Jack Club
18 and on the right we have discussed that
19 earlier.

20 He continues:

21 "The same address was then used
22 "by the Nottawa Community Club until
23 "its charter was cancelled on
24 "March 28, 1960, as a result of
25 "police representations
26 "(reading) following this
27 "letter a Toronto law firm revived
28 "the charter and a new set of
29 "directors was appointed and the
30 "club was moved from Nottawa to

BB/4



"Provincial Secretary's records give

"the location of the Community Social

"Club on 1555 Dundas Street West."

Then, Mr. Commissioner, the Department's

statement on the right:

"Community Social Club.

"Investigation about the activities

"conducted in the latter part of 1961

"(November 21, 1961) . . . (continued)

"on page 86) . . . 17, on Mr.

"Wintermeyer stated on the same page

"his speech, November 22, 1961, 'The

"premises are currently occupied by

"the Community Social Club' in 1961

"as an unincorporated club."

Then, Mr. Commissioner, on the left

Mr. Wintermeyer mentions the Union Jack Club

and on the right we have discussed that

subject.

He testified:

"The same address was then used

"at the Union Community Club until

"its charter was cancelled on

"March 28, 1960, as a result of

"police representations . . .

"(November) . . . following this

"letter a Toronto law firm received

"the charter and a new set of

"directors was appointed and the

"club was moved from Kottawa to



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"Toronto."

The comments of the Department on the right:

"Nottawa Community Club.

"Incorporated under The Ontario

"Companies Act by Letters Patent

"dated October 27, 1919

"(reading on pages 86, 87 and 88)

". . . . the Department at no time

"made an order reviving the corporate

"power."

On the left, Mr. Wintermeyer continues ---

Q. Just a moment. I cannot recall offhand whether a failure to exercise corporate powers over a given period of time ipso facto results in forfeiture?

A. Yes, it does, Mr. Commissioner. Prior to 1954 -- I haven't the old Companies Act but under the old Companies Act, that is the pre-Corporations Act which we have now -- the law was that if a corporation did not exercise its corporate powers for a period of two or three years -- I am advised it is two years -- then it automatically forfeited its corporate powers. It continued as a corporate entity until some steps were taken, either by surrender or dissolution or cancellation, it continued as a corporate entity but had no power -- it could exercise no powers. It was still required under the



The comments of the Department on the

"Incorporated under The Ontario

"Incorporated under The Ontario

"Incorporated under The Ontario

"dated October 27, 1919 . . .

"(reading on pages 80, 81 and 82)

" . . . the Department at no time

"made an order reviving the corporate

" . . .

On the left, Mr. Wintermeyer continues --

Q. Just a moment. I cannot recall

offhand whether a failure to exercise corporate

powers over a given period of time ipso facto

results in forfeiture?

A. Yes, it does, Mr. Commissioner.

Prior to 1904 -- I haven't the old Companies

Act but under the old Companies Act, that

is the pre-Corporations Act which we have

now -- the law was that if a corporation

did not exercise its corporate powers for a

period of two or three years -- I am advised

it is two years -- then it automatically

forfeited its corporate powers. It continued

as a corporate entity until some steps were

taken, either by reorganization or dissolution

or cancellation, it continued as a corporate

entity but had no power -- it could exercise

no powers. It was still required under the



1 law to file annual returns although it could not
2 exercise its corporate powers until an order
3 of reviver, which was also possible by an
4 application to the Provincial Secretary.

5 You may have heard, Mr. Commissioner,
6 that in the case of some racing associations,
7 in the case of the new Rideau Carleton Race
8 Track in Ottawa, that that will be operating
9 under the auspices of charters of some six
10 racing associations that had been in
11 existence back in 1891 and around those
12 years, and had not used their powers for
13 quite an interval, quite a period of time,
14 and then the application was made by people
15 who obtained the necessary interests in
16 those associations and they had to apply
17 for an order of reviver which the Provincial
18 Secretary is empowered to give.

19 But apart from that, prior to the
20 order of reviver, and whether the order of
21 reviver had been made, they would be
22 required to file annual returns, and in some
23 instances they did file sixty and seventy
24 years' annual returns right back.

25 Q. I see.

26 A. But the reviving corporate powers
27 is -- the word is "reviver". It is a
28 technical procedure.

29 The law provides that after 1954 the
30 Department must take an affirmative action



law to file annual returns although it could not
be made in the case of some trading associations,
of reviver, which was also possible by an
application to the Provincial Secretary.
You may have heard, Mr. Commissioner,
that in the case of some trading associations,
in the case of the new Indian Council House
at Ottawa, that there will be operating
under the auspices of chapters of some six
trading associations that had been in
existence back in 1891 and around those
years, and they had been in existence for
quite an interval, quite a period of time,
and then the application was made by people
who obtained the necessary interests in
those associations and they had to apply
for an order of reviver which the Provincial
Secretary is empowered to give.
But apart from that, prior to the
order of reviver, and whether the order of
reviver had been made, they would be
required to file annual returns, and in some
instances they did file sixty and seventy
years' annual returns. This is
the case with the
in the case of the
is -- the word is "reviver". It is a
statutory provision.
The law provides that since 1891 the
Department must take an affirmative action



1 to declare the corporate powers forfeited. They
2 are not off ipso facto. Pre-1954 they were.

3 On the left Mr. Wintermeyer continues:

4 "Mr. Speaker, I could cite
5 "much more evidence of trafficking in
6 "social club charters, long dormant
7 "charters being suddenly revived, the
8 "moving of club locations from one
9 "part of the province to another "

10 Then we have extracted a line which we will be
11 dealing with on another page.

12 " and operations of a succession
13 "of dubious and suspicious charters at
14 "the same addresses at which clubs
15 "had been closed because of court
16 "convictions."

17 Then, Mr. Commissioner, on the right hand
18 side the comment of the Department:

19 "Mr. Wintermeyer states that
20 "'I could cite much more evidence
21 "(reading on page 88) This list
22 "is as follows "

23 Mr. Wilson has the original list, Mr.
24 Commissioner.

25 Q. Well, you copied it into your
26 brief in any event?

27 A. Yes. Then continuing on page 89:

28 "The status of 11 of these clubs
29 "are shown in Appendix J, being
30 "cancellations, and the other three



to determine the corporate powers forfeited. They
are not off these facts. Pre-1934 they were.
On the last of the evidence presented
"Mr. [Name], I recall that
"much more evidence of [Name] in
"acted as [Name], [Name]
"character being suddenly revived, the
"moving of club locations from one
"part of the province to another . . .
Then we have extracted a line which we will be
dealing with on another page.
" . . . and operations of a succession
"of dubious and suspicious characters as
"the same address as which clubs
"had been closed because of corrupt
"connections."
Then, Mr. Commissioner, on the right hand
side the comment of the Department:
"Mr. [Name] [Name]
"I could cite much more evidence . . .
"reading on page 83) . . . This list
"is as follows . . .
Mr. Wilson has the original list, Mr.
Commissioner.
Q. Well, you copied it into your
list in my report.
A. Yes. Then continuing on page 83:
"The status of 11 of these clubs
are shown in Appendix J, being
[Name], and [Name]

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1 "are referred to in the brief

2 "(reading on page 89) so that

3 "a curb on the above activities was

4 "effected early in 1960."

5
6 (Page 9573 follows)



"are referred to in the brief"

"(reading on page 80) no that

"a copy on the above activities was

"(reading on page 80)"

(Page 80) (Page 80)

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CC/FTP/1

---(Continuing to read at page 89)

Then if I could refer back to page 88 where Mr. Wintermeyer says:

"I could cite much more evidence . . . "

Then we come to page 89 and that is where we extracted "failure to file returns with the hon. Provincial Secretary".

The comment of the Department is this:

"Mr. Wintermeyer states that
"he could 'cite much more evidence
"of . . . failure to file annual
"returns with the hon. Provincial
"Secretary." He does not, however,
"give any evidence to support these
"allegations"

---(Page 90)

" Starting in 1956 the
"cancellations were as follows:

| | |
|---------|-------|
| "1956 - | 2725 |
| "1957 - | 1798 |
| "1958 - | 1018 |
| "1959 - | 2157 |
| "1960 - | 2623 |
| "1961 - | 3853" |

If I may for a moment recall to you, Mr. Commissioner, the statistical table on page 12 and bring to your attention that in 1950 the number of corporations cancelled were 119,



---(Continuing to read at page 88)

Then if I could refer back to page 88

Mr. Wintermeyer says:

"I could cite much more evidence . . ."

Then we come to page 89 and that is where we

extracted "Failure to file returns with the

Provincial Secretary".

The comment of the Department is this:

"Mr. Wintermeyer states that

"he could cite much more evidence

" . . . Failure to file returns

" returns with the hon. Provincial

"Secretary." He does not, however,

"cite any evidence as to the

" allegations . . ."

---(Page 90)

" . . . Starting in 1950 the

" cancellations were as follows:

"1956 - 275

"1957 - 175

"1958 - 105

"1959 - 215

"1960 - 265

"1961 - 115

If I may for a moment recall to you, Mr.

Commissioner, the statistical table on page 12

and bring to your attention that in 1950 the

number of cancellations amounted to 115.



1 in 1955 they were 841. They were increased each
2 year. You can refer to that statistical
3 table, but these are indications of the last
4 five years.

5 Continuing to read on page 91:

6 " . . . and since 1950 a total of
7 "16,871 Letters Patent have been
8 "cancelled for failure to file
9 "As a result of this departmental
10 "procedure and investigation by the
11 "police, initiated by the Department,
12 "as has been mentioned previously,
13 "clubs that had moved from, for
14 "example, Ottawa and Nottawa to
15 "Toronto, after their corporate
16 "powers had been forfeited, were
17 "cancelled by the Department for
18 "cause."

19 Mr. Wintermeyer continued on the left,
20 and I am starting at this point:

21 " --- and why have not provincial
22 "government departments concerned
23 "not maintained their records so
24 "that chartered clubs can be
25 "policed with respect to
26 "applications, transfers, charges,
27 "changes in control and so on.

28 "I wonder, Mr. Speaker, if
29 "the provincial government
30 "departments involved in granting



in 1915 they were 341. They were increased each year. You can refer to that statistical table, but these are indications of the last five years.

Continuing to read on page 91:
" . . . and since 1920 a total of 10,871 letters have been
"cancelled for failure to file . . .
"As a result of this departmental
"procedure and investigation by the
"various divisions of the department,
"as has been mentioned previously,
"clubs that had moved from, for
"example, Ottawa and Montreal to
"Toronto, where their headquarters
"powers had been forfeited, were
"cancelled by the Department for
"cause."

Mr. Wintermyer continued on the 1st,
and I am starting at this point:
" --- and why have not provincial
"government departments concerned
"not maintained their records so
"that chartered clubs can be
"policed with respect to
"membership, financial matters,
"changes in control and so on.
"I wonder, Mr. Speaker, if
"the provincial government
"department involved in granting



1 "social club charters and enforcing the
2 "legal prohibitions against gaming
3 "ever compiled such a list and
4 "employed it when considering new
5 "applications for charters, transfers
6 "of old charters or in taking the
7 "initiative to cancel suspected
8 "clubs?"

9 The comment of the Department on the
10 right:

11 "Mr. Wintermeyer implies that
12 "the Department has not maintained
13 "its records 'so that chartered
14 "clubs can be policed with respect
15 "to applications, transfers, charges,
16 "changes of control and so on "

17
18 --- (Page 92.)

19 --- (Page 93.)

20 Mr. Wintermeyer states on the left:

21 "The least that can be said
22 "for their failure to take reasonable
23 "and normal precautions against the
24 "long-term perpetuation of gaming
25 "houses in the guise of social
26 "clubs is that the departments
27 "concerned and their hon. Ministers
28 "were grossly negligent in their
29 "duties and utterly careless of
30 "their responsibilities."



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"...
"...
"ever compiled such a list and
"employed it when considering new
"applications for charters, transfers
"of old charters or in taking the
"initiative to cancel suspended
"status"

The comment of the Department on the

view:

"...
"the Department has not maintained
"its records so that charters
"could be pulled with respect
"to applications, transfers, and
"changes of control and so on . . ."

---(page 92.)

---(page 93.)

Mr. Winterrowd states on the last:
"The fact that can be said
"for their failure to take reasonable
"and normal precautions against the
"long-term perpetration of running
"down in the game of social
"clubs is that the department
"concentrated on their own interests
"were grossly negligent in their
"duties and utterly careless of
"the public interest."



1 On the right the Department says as
2 follows:

3 "The Department requests the
4 "opportunity of making its reply and
5 "summation at a later date. However,
6 "it is presently submitted:
7 "1. With respect to the serious
8 "charges opposite made by Mr.
9 "Wintermeyer the foregoing analysis
10 "of his speech shows that his
11 "statements are in many instances
12 "incorrect, his inferences groundless
13 "and his allegations without
14 "foundation in fact."

15 Mr. Commissioner, I would ask your per-
16 mission not to read into the record the next
17 paragraph. That is a matter of opinion and
18 a judgment which you will have to form, and
19 I would rather have the facts of the case
20 as presented by the Department speak for
21 themselves, and I am not going to read that
22 section and that will be deleted. I would ask
23 you to have it deleted from the official
24 copy which is before you.

25
26 --- (Page 94)

27 "SUMMARY OF POLICIES AND STATISTICAL REVIEW

28 "The Corporations Act confers on
29 "the Provincial Secretary the power
30 "to issue Letters Patent of incorporation



On the right the Department says as

"The Department requests the

"announced at a later date. However,

"I. With respect to the persons

"changes opposite made by Mr.

"Wintermeyer the foregoing analysis

"of his speech shows that his

"and his allegations without

"Mr. Commissioner, I would ask your per-

mission not to read into the record the next

paragraph. That is a matter of opinion and

a judgment which you will have to form, and

I would rather have the facts of the case

as presented by the Department speak for

themselves, and I am not going to read that

section and that will be deleted. I would ask

you to have it deleted from the official

copy which is before you.

---(Page 94)

"SUMMARY OF POLICE AND STATISTICAL SECTION

"the Provincial Secretary the power

"to issue Letters Patent of Incorporation



1 "in his discretion' and also confers
2 "upon him the power to cancel such
3 "Letters Patent 'where sufficient
4 "cause is shown' or where the
5 "corporation 'is in default for a
6 "period of three years in filing its
7 "annual return'.

8 "To meet this difficulty, the
9 "Department adopted the policy of
10 "includingⁱⁿ the Letters Patent of social
11 "clubs a provision to the effect that
12 "if the club made any charge for
13 "playing games on its premises, even
14 "the charge permitted by the Code,
15 "this too would be a ground for
16 "cancellation of the charter. Since
17 "this clause has been included in
18 "the Letters Patent (a period of
19 "14 years and involving close to the
20 "above number of corporations) --- "

21 That is 1500 ---

22 " --- the Department has received only
23 "two complaints from the police
24 "alleging violation of this clause.
25 "In one case this was the sole
26 "ground for cancellation of the
27 "Letters Patent. In the second
28 "case, cancellation proceedings
29 "have been commenced by the
30 "Department, but were not at the



"In his discretion, and also contents

"upon him the power to cancel such

"Letters Patent where sufficient

"cause is shown, or where the

"corporation is in default for a

"period of three years in filing its

"annual return,

"To meet this difficulty, the

"Department would be obliged to

"includingⁱⁿ the Letters Patent of social

"also a provision to the effect that

"it is the duty of the Department

"paying taxes on the premises, even

"the change permitted by the Code,

"this too would be a ground for

"cancellation of the charter. Hence

"this change is now proposed as

"the Letters Patent (a period of

"14 years and involving close to the

"above number of corporations) -- "

THE DEPARTMENT

"--- the Department has received only

"the application from the parties

"alleging violation of this clause.

"In one case this was the sole

"ground for cancellation of the

"Letters Patent. In the second

"case, cancellation proceedings

"have been commenced by the

"Department, but were not as yet



1 "date hereof completed."

2 They have been since completed, Mr. Commissioner,
3 and cancellation has followed.

4 "In 1950, after representations by
5 "the police, the Department adopted
6 "its present policy with respect to
7 "the incorporation of social clubs."

8
9 --- (Page 95)

10 " . . . Appendix F sets out particulars
11 "of 981 corporations which were
12 "referred to the police in the
13 "regular course in respect of which
14 "completely favourable reports were
15 "received and where there have been
16 "no subsequent complaints. There
17 "were three corporations which were
18 "referred to the police in the
19 "regular course in respect of which
20 "completely favourable reports were
21 "received and where there were
22 "subsequent complaints leading to
23 "cancellation."

24 Now, I just refer again, Mr. Commissioner,
25 to Appendix F. We have not gone into it.
26 There is an index which I referred to
27 earlier, and that index, some 17 pages,
28 will indicate to you the very broad range
29 of the incorporations which have taken place
30 in the province.



"This document contains..."

They have been since completed, Mr. Commissioner,

and submitted to the Bureau.

"In 1950, after representations by

"the Police, the Department adopted

"the present policy with respect to

"the incorporation of racial clubs."

---(Page 3)

"... Appendix B sets out particulars

"of the investigation which was

"conducted in the matter of the

"regular course in respect of which

"certainly favorable reports were

"received and where there have been

"no subsequent complaints. There

"were three corporations which were

"referred to in the matter of the

"regular course in respect of which

"certainly favorable reports were

"received and where there were

"subsequent complaints leading to

"complaints."

"I am sure, Mr. Commissioner,

to Appendix B. We have not gone into it.

There is an index which I referred to

earlier, and that index, some 17 pages,

will indicate to you the very broad range

of the investigation which have taken place

in the province.



1 Then there are pages which follow, and I
2 refer you only presently to page 1, and I
3 will use an example, and it showed you
4 earlier the departmental files. We have
5 set out for your use the name of the
6 corporation, the date of the application
7 received, the applicants, the solicitors,
8 the premises if any, the head office, the
9 date of reference to O.P.P., the date of
10 the report of the O.P.P. received, and the
11 nature of the report which we have stated
12 to be favourable, the date of reference to
13 local police, the date of report of the
14 local police received, the nature of the
15 report, and the Letters Patent issued.

16 Now, that is the format which has
17 been applied throughout. There are
18 variations in that. In some instances there
19 are remarks, and when you read this, which
20 does take some time, you will note the wide
21 range of citizens throughout the Province
22 of Ontario, the wide range of solicitors who
23 have applied, and then the name will
24 indicate the wide range of objects. That
25 is Appendix F which I have presented to you.

26 Now, I bring to your attention that
27 there were three incorporations which could
28 have been included in Appendix F but we
29 did not include them because they sub-
30 sequently were cancelled. These are



Then there are pages which follow, and I
forget you only presently to page 1, and I
will use an example, and it showed you
earlier the departmental files. We have
set out for you use the name of the
investigation, the name of the solicitor,
received, the applicant, the solicitor,
the premises if any, the head office, the
date of reference to O.P.F., the date of
the report of the O.P.F. received, and the
name of the report which is sent to
to be favourable, the date of reference to
local police, the date of report of the
local police received, the name of the
report, and the letters Patent issued.
Now, that is the format which has
been applied throughout. There are
variations in that. In some instances there
are remarks, and when you read this, which
does take some time, you will note the wide
range of citizens throughout the Province
of Ontario, the wide range of solicitors who
have applied, and then the name will
indicate the wide range of citizens. This
is Appendix I which I have presented to you.
Now, I bring to your attention that
there were three incorporations which could
have been included in Appendix I but we
did not include them because they had
subsequently been cancelled. There are



1 favourable and no report has since been received,
2 so they are in this batch.

3 "Appendix G sets out particulars
4 "of 18 corporations which a review of
5 "departmental files since July 1st,
6 "1950, shows that the application
7 "was not referred to the police
8 "prior to incorporation. Of these
9 "18 corporations out of a total of
10 "almost 50,000 --- "

11 That is, incorporations generally --

12 " --- incorporations granted during
13 "those 12 years, the Department
14 "submits that it is doubtful whether
15 "most of them would in the ordinary
16 "sense of the term be considered
17 "as social clubs. In not one of
18 "these 18 cases has the Department
19 "ever received any complaint from
20 "the police or any other source."

21 I refer you to Appendix G which is
22 headed:

23 "APPENDIX G - APPLICATIONS FOR
24 "INCORPORATIONS WITH OBJECTS IN WHOLE
25 "OR IN PART OF A SOCIAL NATURE --- "

26 As interpreted in its broadest sense, Mr.
27 Commissioner, by the Department --

28 " --- received after July 1st, 1950,
29 "and granted before December 11, 1961,
30 "that were not referred to the police



favorable and no report has since been received,
as was not in this case.

"Appendix G sets out particulars

"of 18 corporations which a review of

"the records of the State Department

"1950, shows that the application

"was not referred to the police

"as was the case with the other

"18 corporations out of a total of

"18 corporations." --

"That is, investigation was made --

"as to the activities of these corporations

"those in years, the Department

"states that it is doubtful whether

"most of them would in the ordinary

"sense of the term be considered

"as social clubs. In not one of

"these 18 cases has the Department

"ever received any complaint from

"the police or any other source."

I refer you to Appendix G which is

hereto:

"APPENDIX G - APPLICATION FOR

"REGISTRATION OF FOREIGN DISSEM."

"ON IN PART OF A SOCIAL NATURE --"

As interpreted in its present sense, Mr.

Commissioner, by the Department --

"-- received after July 1950,

"that present status of the 18

"that were not referred to the police



CC/2

1 "in the regular course."

2 Now, the list is set out in an index.

3 Subject to your statement, I do not propose
4 to read them. They are listed there as
5 shown on page 1. You have the name of the
6 corporation, the date of the incorporation,
7 the names of the applicants, the solicitors
8 and the objects clauses. They are all set
9 out and you will have the list.

10 Now, I submit that when you read them
11 that perhaps you will read the objects clauses
12 to determine which of those, in your own
13 personal opinion, were such as to be social
14 clubs, and whether they should have been
15 referred in the ordinary course or not, but
16 I bring to your attention that they were
17 issued without referral in the course of
18 the Department's business, but no adverse
19 report has been received with respect to any
20 single one of those 18 corporations.

21 Then, of course, on page 18, we listed
22 the one corporation which was referred to by
23 Mr. Wintermeyer, the first corporation which
24 he referred to, the Chippers Sales &
25 Advertising Club. We have inserted that
26 because he had referred to it.

27 THE COMMISSIONER: Now, do you need to
28 read the rest?

29 A. No, I do not propose to do so
30 ~~until~~ unless you require it.



107

"in the regular course."

Now, the list is set out in an index.

Subject to your statement, I do not propose

to read them. They are listed there as

shown on page 2. You have the name of the

corporation, the date of the incorporation,

the names of the applicants, the solicitors

and the object clauses. They are all set

out and you will have the list.

Now, I submit that when you read them

that perhaps you will read the object clauses

to determine which of those, in your own

personal opinion, were such as to be social

clubs, and whether they should have been

referred in the ordinary course or not, but

I bring to your attention that they were

referred to in the ordinary course of

the Department's business, but no adverse

report has been received with respect to any

single one of those 18 corporations.

Then, of course, on page 18, we listed

the one corporation which was referred to by

Mr. Wintermyer, the first corporation which

he referred to, the Griggs Sales &

Advertising Co. He says something about

because he had referred to it.

THE COMMISSIONER: Now, do you need to

read the list?

A.: No, I do not propose to do so.

Would you read the list?



1 Q. No, I can read it.

2 A. To return to the brief, Appendix H ---

3 Q. No, that is what I am talking
4 about. Do you want to read the rest of that?

5 A. The rest of the ----

6 Q. That is really argument, is it not?

7 A. The rest of the brief?

8 Q. Yes.

9 A. Well, actually there are statistics.

10 Q. Not very much of it left. If you
11 want to read it, all right.

12 A. "Appendix H sets out particulars
13 "of 27 incorporations which a review
14 "of departmental files since July 1st,
15 "1950, indicates that the police
16 "reports were other than completely
17 "favourable. Each such incorporation
18 "is summarized and dealt with in the
19 "appendix." --

20 And we have already read this completed.

21 "Appendix I sets out particulars of
22 "186 applications for incorporation
23 "having social objects refused for a
24 "variety of reasons during the same
25 "period."

26 I will return for a moment, Mr. Commissioner,
27 to a discussion that we had relating to the
28 processes that take place in the Provincial
29 Secretary's mind when he determines whether
30 he will issue the Letters Patent or not.



1 Q. No, I can read it.

2 A. To return to the brief, Appendix B --

3 Q. Yes, that is what I am talking

4 about. Do you want to read the rest of that?

5 A. The rest of the ----

6 Q. That is really argument, is it not?

7 A. The rest is the same.

8 A. Yes.

9 A. Well, actually there are no statistics.

10 Q. Not very much of it left. If you

11 want to read it, all right.

12 A. Appendix B is the same as Appendix

13 "of 24 incorporations which a review

14 "of departmental files since July 1st,

15 "1950, indicates that the police

16 "reports were other than completely

17 "favorable. From such incorporation

18 "is summarized and dealt with in the

19 "appendix." --

20 And we have already read this completely.

21 Appendix I sets out particulars of

22 "the application for incorporation

23 "having noted objectors refused for a

24 "variety of reasons during the same

25 period.

26 I will now read a summary of the Committee's

27 to a discussion that we had relating to the

28 procedure outside place in the Provincial

29 Secretary's mind when he recommended whether

30 to call in the subject for a report.



1 Q. Notwithstanding an adverse ---

2 A. Notwithstanding an adverse report.

3 Here there were 984 applications with completely
4 favourable reports, of which three were the
5 subject of subsequent complaint. The
6 Provincial Secretary accepted those three,
7 as he accepted all the other 981. The three
8 were subsequently cancelled. There were
9 favourable reports in those instances. There
10 were 18 in which no report was obtained.
11 They were issued. We have since received
12 no adverse report.

13 The 27, I recall -- and when you re-read
14 that Appendix H you will note that there
15 were reports referred to by Mr. Wintermeyer
16 as having adverse reports, bearing in mind
17 that the Attorney General in the Legislature
18 had used the words "legitimate objection",
19 but we have stated the objection as outlined
20 by the police, that the Provincial Secretary
21 in the exercise of his discretion came to
22 the conclusion that it was not against public
23 interest to issue and did issue. Of those
24 27 I believe that that is the one, the
25 Bathurst-Sheppard -- perhaps you will analyze
26 those yourself and can see how the judgment
27 of the Provincial Secretary was exercised in
28 those instances.

29 "Appendix I sets out particulars

30 "of 186 applications for incorporation



... ..

A. Notwithstanding an adverse report.

... ..

Favorable reports, of which three were the

subject of subsequent complaint. The

... ..

as he accepted all the other 981. The three

were subsequently cancelled. There were

favorable reports in these instances. There

were 18 in which no report was obtained.

They were issued. We have since received

no adverse report.

The 27, I recall -- and when you re-read

that Appendix H you will note that there

... ..

as having adverse reports, bearing in mind

that the Attorney General in the Legislature

had used the words "absolute objection",

but we have stated the objection as outlined

by the police, that the Provincial Secretary

in the exercise of his discretion came to

the conclusion that it was not against public

interest to issue and did issue. Of those

... ..

... ..

... ..

... ..

... ..

Appendix I sets out

"of 186 applications for incorporation



1 "having social objects refused for a
2 "variety of reasons during the same
3 "period."

4 This is this Appendix I which is broken
5 into two parts --

6 "Part 1 - Applications refused because
7 "of objections from the police or
8 "other government departments;
9 "Part 2 - Applications refused because
10 "not in accordance with departmental
11 "policy."

12 We have, for example, on page 1, we
13 give details of the applicants, the solicitor,
14 the referral, and then we note, without
15 giving you the details of it, that there
16 was an objection.

17 I say this to you at this time, Mr.
18 Commissioner, that a number of these have
19 been refused during my term of office.
20 We will have the figures. Like any one
21 who has to reach a decision, I have wondered
22 in certain instances whether I was as fair
23 to the applicants as perhaps some one else
24 might have been, in refusing the application.

25 "In three instances Letters
26 "Patent were issued to bring
27 "associations under provincial
28 "control, and subsequent breaches
29 "of provisions of the Letters
30 "Patent brought about cancellations



"having actual objects referred to a
"variety of reasons during the same
"period."

This is the Appendix I which is broken

into two parts --

"Part I - Applications referred because

"of objections from the police or

"other authorities, and

"Part II - Applications referred because

"not in accordance with Government

"policy."

We have, for example, on page 1, we

give details of the application, the application

the material, and then we note, without

giving you the details of it, that there

was no objection.

I say this to you at this time, Mr.

Commissioner, that a number of cases have

been referred to the Board of Appeal.

We will have the figures. Like any one

who has to reach a decision, I have wondered

in certain instances whether I was as fair

to the applicants as perhaps some one else

might have been, in refusing the application.

"In some instances, however

"Patent were issued to bring

"application under review

"control, and subsequent procedure

"of provisions of the Letters

"Patent Office and the



1 "in two instances, and proceedings have
2 "been commenced in respect of the
3 "third --- "

4 That has been completed and cancellation took
5 place.

6 " --- in another instance Letters
7 "Patent were issued where a can-
8 "cellation had taken place because
9 "of a conviction subsequently
10 "quashed, and in this instance a
11 "breach of the provision of the
12 "Letters Patent brought about a
13 "cancellation."

14 "Appendix J sets out particulars
15 "of the cancellation for cause of 75
16 "clubs (69 of which were incorporated
17 "before the present policy was
18 "instituted in 1950; 6 after),
19 "brought about through co-operative
20 "effort resulting from the policies
21 "of the Department and the inves-
22 "tigations of the police."

23 I would ask you to turn briefly to
24 Appendix J, and you will find that Appendix J
25 consists of several items. The index will
26 show in alphabetical order the cancelled
27 club charters. There are two which have
28 asterisks opposite them in which we make
29 the notation:

30 "The objects of this corporation are



"in two instances, and proceedings have

"been commenced in respect of the

"third --- "

That has been completed and cancellation took

place.

" --- in another instance letters

"Patent were issued where a can-

"cellation had taken place because

"of a conviction subsequently

"quashed, and in this instance a

"pardon of the provision of the

"Letters Patent brought about a

"cancellation."

"Appendix 2 sets out particulars

"of the cancellation for cases of 15

"clubs (89 of which were incorporated

"before the present policy was

"instituted in 1950; 6 were),

"brought about through co-operative

"clubs receiving from the British

"of the Department and the inven-

"tigation of the police."

I would ask you to turn briefly to

Appendix 1, and you will find that Appendix 1

consists of several items. The index will

show an alphabetical order the cancelled

club charters. There are two which have

asterisks opposite them in which we have

the notation:

"The objects of this corporation are



1 "not social. It is included in this
2 "appendix because it appears on Chief
3 "Mackey's list (Appendix K)."

4 Then we have listed for you in chronological
5 order, commencing following the index, the
6 date of the order, the name of the club,
7 and then the date of the incorporation, and
8 we have broken it down so that you could
9 visually see whether the incorporation was
10 prior to July 1st, 1950, or subsequent; the
11 cause for cancellation, the directors of
12 record on cancellation, the solicitor of
13 record on cancellation -- and the naming
14 required some thought on the part of the
15 Department because one file may contain a
16 number of solicitors.

17 Then for your information we carried
18 out -- we had a cancelled list, and we put
19 the number as it appears on Mr. Mackey's --
20 on Chief Mackey's list, any which we
21 assumed would be a metropolitan area club,
22 and the others would be outside the
23 metropolitan area, and that is in chronological
24 order right to the end of page 9.

25 Then after page 9 there are three
26 charters, details are given of three charters
27 where we note:

28 "The Letters Patent of the following
29 "social clubs in respect of which
30 "cancellation proceedings had been



"not social. It is included in this

"appendix because it appears on Chart

"Kashy's list (Appendix K)."

Then we have listed for you in chronological

order, commencing following the index, the

date of the order, the name of the club,

and the date of the cancellation, and

we have broken it down so that you could

visually see whether the incorporation was

prior to July 1st, 1950, or subsequent; the

cause for cancellation, the director of

record on cancellation, the solicitor of

record on cancellation -- and the naming

required some thought on the part of the

committee because our list was made

number of solicitors.

Then for your information we counted

out -- we had a cancelled list, and we put

the number as it appears on Mr. Kashy's --

on that list (list) and when we

assumed would be a metropolitan area club,

and the others would be outside the

metropolitan area, and that is in chronological

order right to the end of page 9.

Then after page 9 there are three

charters, details regarding of three charters

which are:

"The Boston Patent of the following

"social clubs in respect of which

"cancellation proceedings had been



1 "instituted prior to November 29th,
2 "1961, were cancelled for cause."

3 As indicated to you, in the Department
4 these cases are at various stages, and they
5 are completed from time to time, and those
6 are three which bring a total of eighty.

7 On the next page you will find for
8 your convenience and reference, we have re-
9 arranged the same clubs which were cancelled
10 in alphabetical order, so that if you wish
11 to have the particulars with respect to any
12 gaming club, any club which was cancelled,
13 you can refer to this and trace it easily,
14 because it is in alphabetical order. The
15 same material is shown, except the re-
16 arrangement.

17 On page 20 for your information is
18 shown a breakdown of the cause for
19 cancellation. You will see that there
20 were 43, the names of 43 clubs in which
21 there was a gaming conviction; five in
22 which there was a betting conviction; three
23 in which there was a liquor conviction;
24 one, another conviction. I believe that
25 was -- I don't know whether that was an
26 assault on a police officer or something.
27 Then there was evidence of illegal gaming,
28 five; evidence of illegal betting, one;
29 violations of Letters Patent, six; failure
30 to produce books, seven; forfeiture of



As indicated to you, in the Department

these cases are at various stages, and they
are completed from time to time, and those
are three which bring a total of eighty.

On the next page you will find for

your convenience and reference, we have re-

arranged the same which were cancelled

in alphabetical order, so that if you wish

to have the particulars with respect to any

of these, you can refer to them in order.

You can refer to them and trace it easily,

because it is in alphabetical order. The

same material is shown, except the re-

arrangement.

On page 20 for your information is

shown a breakdown of the cases for

cancellation. You will see that there

were 43, the names of 43 clubs in which

there was a betting conviction; three

in which there was a betting conviction; three

in which there was a betting conviction.

one, another conviction. I believe that

was -- I don't know whether that was an

assault on a police officer or something.

Then there was evidence of illegal gaming,

five; evidence of illegal betting, one;

violations of Letters Patent, six; failure

to produce books, seven; forfeiture of



1 corporate powers, five; other causes, four.

2 Then on the next page we just have a
3 numerical summation in which it is pointed
4 out that there were 75 club charters
5 cancelled for cause. We have a total of
6 81 causes, because in six cases there were
7 two causes for cancellations.

8 Now, I return to the brief:

9 "Appendix K illustrates the
10 "effectiveness of this joint action
11 "by the Department and the police.
12 "It is a list supplied by the
13 "Metropolitan Toronto Police of
14 "incorporated social clubs
15 "numbering 66 which include 57
16 "in respect of which they complained
17 "to the Department between July 1st,
18 "1950, and December 11th, 1961.
19 "It is to be noted that of the
20 "57 listed complained about during
21 "this period every one has been
22 "cancelled by the Department or
23 "cancellation proceedings have
24 "been instituted in respect thereof.
25 "The 9 remaining are referred to
26 "by symbol and explanation in the
27 "appendix."

28 I would ask you to turn for a moment
29 to Appendix K. You will see a letter on
30 page 1. These are reproductions of

CC/3



...then on the next page we just have a
numerical summation in which it is pointed
out that there were 75 club chapters
cancelled for cause. We have a total of
81 causes, because in six cases there were
two causes for cancellations.

Now, I return to the brief:
"The Metropolitan Toronto Police of
"It is a fact supplied by the
"by the Department and the police.
"effectiveness of this joint action
"in respect of which they complained
"to the Department between July 1961
"It is to be noted that of the
"This period every one has been
"cancelled by the Department or
"cancellation proceedings have
"been instituted in respect thereof.
"The 9 remaining are referred to
"by symbol and explanation in the
"Appendix."

I would ask you to turn for a moment
to Appendix A. You will see a letter on
page 2. These are reproductions of



1 originals, of course. On page 1 of Appendix K
2 (it is actually the fourth page in the
3 appendix) there is a letter from Chief
4 Mackey in which he states:

5 "As requested in your telephone call

6 "recently, I now enclose copy of

7 "report submitted to me under date

8 "of the 18th instant by Inspector

9 "H.S. Thurston --- "

10 THE COMMISSIONER: Just a moment. I
11 haven't found that. Thank you, I have.

12 A. --- officer in charge of our

13 "morality bureau, dealing with the

14 "subject indicated."

15 That is dated December 19th, 1961.

16 Then the Deputy Minister -- if you
17 return to the first page in the appendix,
18 which is not numbered but it is immediately
19 following the yellow page -- it is a letter
20 from the Deputy Minister to Chief Mackey,
21 and it says:

22 "I wish to thank you very much

23 "for your letter of December 19th

24 "enclosing a report from Inspector

25 "H.F. Thurston dealing with the

26 "subject above indicated.

27 "I understand from the Morality

28 "Bureau that the list contained in

29 "this report includes all the

30 "incorporated social clubs with



originals, of course. On page 1 of Appendix A

(it is actually the fourth page in the

appendix) there is a letter from Chief

Justice in which he writes:

"It is requested in your letter of

"recently, I now enclose copy of

"report submitted to me under date

"of the 10th instant by Inspector

"H. V. Thomson --

THE COMMISSIONER: Just a moment.

haven't found that. Thank you, I have.

A. -- officer in charge of our

"Moral Hygiene Bureau, dealing with the

"Moral Hygiene Bureau.

That is dated December 19th, 1901.

That is the report which -- if you

return to the first page in the appendix,

which is not numbered but it is immediately

following the yellow page -- it is a letter

from the Moral Hygiene Bureau to Chief Justice.

and it says:

"I wish to thank you very much

"for your letter of December 19th

"enclosing a report from Inspector

"H. V. Thomson dealing with the

"Moral Hygiene Bureau.

"I understand from the Moral Hygiene

"Bureau that the list contained in

"this report includes all the

"incorporated social clubs which



1 "respect to which your Department has
2 "filed complaints with this Department
3 "for the past ten years."

4 Then he continues in a paragraph ---

5 THE COMMISSIONER: What was the date of
6 the speech?

7 A. The date of the speech was
8 November 29th, 1961. The appointment was
9 made on December 11th, and then on the 19th --
10 then we immediately started to prepare our
11 brief upon the appointment, and if I may
12 refer back to Mr. Cudney's letter he says:

13 "This list is a great help to us and
14 "saves us a great deal of work as
15 "under our index all confidential
16 "files are not classified and it
17 "would have taken us a great deal
18 "of time to go through thousands
19 "of files dealing with many matters
20 "pertaining to corporations."

21 So Chief Mackey on December 19th forwarded
22 a letter to us so that we might use it in
23 preparation of our brief, and I bring to
24 your attention -- I believe, have we got the
25 original? I would ask your permission to
26 file -- I haven't got it with me -- to file
27 the original correspondence at a later date
28 with the Commissioner. This is a reproduction
29 of the letter, the list, subject to this. You
30 will see the asterisks on page No. 2, and we



"respect to which your Department has

"I am sure that you will be able to

"I am sure that you will be able to

then be contained in a paragraph ---

THE COMMISSIONER: What was the date of

the meeting?

A. The date of the speech was

November 29th, 1961. The appointment was

made on December 11th, and then on the 12th --

then we immediately started to prepare our

brief on the subject, and it was

sent to the Commission on December 12th.

"This list is a great help to us and

"saved us a great deal of work on

"under our index all confidential

"files are not classified and it

"would have taken us a great deal

of time to go through thousands

"of files dealing with many matters

"pertaining to corporations."

So Chief Minsky on December 12th forwarded

a letter to us so that we might use it in

preparation of our brief, and I bring to

your attention -- I believe, have we got the

original? I would ask your permission to

file -- I haven't got it with me -- to file

the original correspondence at a later date

with the Commission. This is a reproduction

of the letter, the list, subject to this. You

will see the reference on page No. 2, and we



1 have an asterisk and at the bottom there is an
2 asterisk:

3 "The numbers do not appear on the

4 "original list. They are added for

5 "convenience of reference."

6 They are numbers which were added by us, by
7 the Department, so that we may use it in
8 conjunction with references.

9 THE COMMISSIONER: I am not following you.

10 A. This is on page 2.

11 Q. Yes, I have page 2 and I see
12 the asterisk.

13 A. Chief Mackey submitted to us on
14 sheets of foolscap the names, exactly what
15 is reproduced, without the numbers on the
16 left. You see where they are numbered,
17 1, 2, 3, 4, 5 and 6?

18 Q. Yes.

19 A. These numbers do not appear on
20 the original document. We added them in
21 order to assist.

22 Q. Yes, I understand.

23 A. The Commission.

24 Q. Thank you.

25 A. Now, without referring to any,
26 without reading the whole list, I want to
27 just bring to your attention that on page 5,
28 No. 25, we give you additional information
29 that that was actually cancelled for failure;
30 the Earl French Memorial Club was cancelled



have an asterisk and at the bottom there is an

asterisk

"The numbers do not appear on the

"original list. They are added for

"convenience of reference."

They are numbers which were added by us, by

the Department, so that we may use it in

connection with reference.

THE COMMISSIONER: I am not following you.

A. This is on page 2.

Q. Yes, I have page 2 and I see

the asterisk.

A. Chief Mackey advised us on

sheets of footings the names, exactly what

is reproduced, without the numbers on the

left. You see where they are numbered,

1, 2, 3, 4, 5 and 6?

Q. Yes.

A. Those numbers do not appear on

the original document. We added them in

order to assist.

Q. Yes, I understand.

A. The Commission.

Q. Yes.

A. Now, without referring to any,

without reading the whole list, I want to

just bring to your attention that on page 2,

no. 65, we give you additional information

that that was actually cancelled for release;

the Earl French Memorial Club was cancelled



1 for failure to file annual returns. The same
2 with No. 31, Iriquois Amusement Parlour of
3 Ansonville, that was cancelled for returns.

4 The Independent Christian Association
5 was not. The objects were not of a social
6 nature, but there was a cancellation.

7 On the next page, No. 32, the asterisk
8 brings to your attention that this was
9 cancelled in 1946 and not in 1960.

10 On page 7, No. 40, N.E.C. Friendly
11 Club, that was not incorporated.

12 No. 44 has been dealt with as objects
13 not of a social nature.

14 On page 9 -- that was dated December 19th --
15 you will see that No. 56 is -- no, No. 55,
16 that was cancelled on May 1st, 1962. The
17 letter had been sent out prior to that.
18 No. 56, that was cancelled on March 6th,
19 1962.

20 On page 10, No. 57, the cancellation
21 proceedings instituted but not completed.
22 That is still pending. We could have
23 with No. 58, Atlas Club, at the date. Since
24 that time reports have been received and
25 cancellation proceedings have been
26 instituted. That is not noted in a note,
27 but that is the fact at the present time.

28 The Bellevue Social Club has been
29 made reference to (No. 59) in the brief,
30 and you will note that there is a note by



for failure to file annual returns. The same
 with No. 31, which was cancelled for non-
 compliance, that was cancelled for non-
 The Independent Christian Association
 was not. The objects were not of a social
 nature, but there was a cancellation.
 On the next page, No. 32, the association
 brings to your attention that this was
 cancelled in 1908 and was in 1908.
 No. 33, No. 34, No. 35, No. 36, No. 37, No. 38,
 Club, that was not incorporated.
 No. 44 has been dealt with as objects
 not of a social nature.
 No. 45, No. 46, No. 47, No. 48, No. 49, No. 50,
 you will see that No. 50 is -- no, No. 50,
 that was cancelled on May 1st, 1908. The
 letter had been sent out prior to that.
 No. 50, that was cancelled on March 6th,
 1908.
 No. 51, No. 52, No. 53, No. 54, No. 55, No. 56,
 proceedings instituted but not completed.
 That is still pending. We could have
 with No. 56, Atlas Club, at the date. Since
 that time reports have been received and
 proceedings instituted but not completed.
 That is not noted in a note,
 but that is the fact at the present time.
 No. 57, No. 58, No. 59, No. 60, No. 61, No. 62,
 made reference to (No. 59) in the brief,
 and you will note that there is a note of



1 Chief Mackey:

2 "Conspiracy charges at present before

3 "court -- premises closed, new

4 "occupants on premises. Further

5 "adverse reports pending."

6 We have not received those as yet.

7 No. 60 was cancelled. No. 61 was

8 cancelled on 6th March, 1962.

9 No. 62, the New Canadian Social Club,

10 was cancelled on February 20th, 1962.

11 No. 63, the cancellation proceedings

12 were instituted but not completed. The

13 hearing is in process.

14 No. 64 is Sol Food Packers and, as

15 we noted, objects not of a social nature --

16 investigation by Department pending. This

17 has share capital. That is actually, on

18 the face of it, appears to be a commercial

19 undertaking, but the Department is in the

20 process of investigating.

21 Then No. 67, we point out that there

22 was no cancellation, that that was not

23 cancelled for conviction, but cancelled

24 for failure to file annual returns.

25 Then No. 70, that was cancelled

26 March 6th, 1962.

27 The statistics in reference to

28 Appendix K are summarized in the last

29 paragraph.

30 THE COMMISSIONER: Well, do you want



"Conspiracy charges as present before

"Conspiracy charges as present before

"Conspiracy charges as present before

"Conspiracy charges as present before

"Conspiracy charges as present before

No. 60 was cancelled. No. 61 was

No. 62 was cancelled. No. 63 was

No. 64 was cancelled. No. 65 was

was cancelled on February 20th, 1952.

No. 66, the cancellation proceedings

were cancelled and was explained.

Nothing is in process.

No. 67 is not in process.

We noted, object not of a normal nature --

investigation by Department pending. This

has been capital. That is actually, on

the face of it, appears to be a commercial

undertaking, having Department in the

process of investigation.

Then No. 68, we point out that there

was no cancellation, that fact was not

cancelled nor conviction, but cancelled

not failure to file annual return.

Then No. 69, that was cancelled

No. 70, that was cancelled

The relation in reference to

Appendix K are summarized in the last

paragraph.

THE COMMISSIONER: Well, do you want



1 to read that?

2 A. No.

3 Q. Would you leave it to me to read
4 that?

5 A. Yes, I do not intend to read that,
6 Mr. Commissioner, unless you request it.

7 Now we have page 96.

8 Q. That is what I am referring to.
9 Do you want to read that? Won't you leave
10 me to read it?

11 A. Yes, I think that these statistics
12 speak for themselves.

13 I bring to your attention also the table
14 on page 97 where we took the statistics and
15 broke them down by years. Just to make sure
16 we have expressed ourselves clearly, you
17 will notice that Appendix F plus 3, you
18 will notice the total on the right is 984.
19 You will recall that Appendix F, the bulky
20 appendix, has 981, and we did not include
21 in 981 the three that have favourable reports
22 which are referred to by name. They are
23 set out in Appendix J, and you can see the
24 examination by years of those, together
25 with, in brackets, those which ultimately
26 led to cancellation.

27 Then we have Table 4 which is broken
28 down. We took Chief Mackey's list and broke
29 it down by years, and they are an interesting
30 set of figures, as all the figures are, I



10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

A. No.

Q. Would you leave it to me to read

check

A. Yes, I do not intend to read that.

Q. That is what I am referring to.

Q. That is what I am referring to.

Q. That is what I am referring to.

Do you want to read that? Won't you leave

me to read it?

A. Yes, I think you should read it.

Q. I bring to your attention also the table

on page 94 where we took the statistics and

broke them down by years. Just to make sure

we have expressed ourselves clearly, you

will notice that Appendix W plus 3, you

will notice the total on the right is 984.

You will recall that Appendix K, the primary

appendix, has 981, and we did not include

in 981 the three that have favorable reports

which are referred to by name. They are

set out in Appendix J, and you can see the

statistics in Appendix J, and you can see the

with, in brackets, those which are included

led to cancellation.

Then we have Table 4 which is broken

down. We took Chief Mackey's list and broke

it down by years, and they are an interesting

set of figures, as all the figures are, I



1 believe. You will note that in 1960 and 1961
2 again the Department -0-

3 Q. What page are you reading from?

4 A. I am on page 97 now, if you
5 turn the page sideways.

6 Q. Yes.

7 A. I have explained Table 3-A which
8 is a recapitulation of the previous page but
9 in years, and then also Table 3-B, the
10 recapitulation by years of those various
11 appendices. Then Table 4 is the number of
12 cancellations during that period totalling 75,
13 and the bracket total is the number in Metro
14 Toronto of 50.

15 (Page 9596 follows)



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believe. You will note that in 1960 and 1961

again the Department -6-

Q. What page are you reading from?

A. I am on page 97 now, if you

turn the page always.

Yes.

A. I have explained Table 3-A which

is a recapitulation of the previous page but

is longer, and also Table 3-B, the

recapitulation by years of those various

appendices. Then Table 4 in the number of

immigrants during that period, 1955-59,

and the bracket total in the number in Memo

Toronto of 50.

(page 99d follows)



CC/4

I referred earlier to the fact that during the year 1960 and 1961 subsequent, between the meeting of the Deputy Provincial Secretary and Chief Mackey there were a total in the province of 32 cancellations of which all 32 took place in the Metro area. Of the 50 cancellations in the Metro area in the last 10 years, in this period, 32 were in 1960 to the year 1961, and the rest of the figures speak for themselves.

On page 98 we have a recapitulation of the cancellations, and I would like to read table 4 to complete the presentation of the brief at this time.

"Analysis of cancellations of
"incorporations (1,033) granted between
"July 1st, 1950 and December 11th, 1961
"(eleven and a half years) where reports
"completely favourable and subsequent
"complaints and cancellations (see IA 1,11)"

That is the previous. There is the Chan Social Club, Fenno Club and Oldcastle Country Club, for a total of three out of that group.

Where reports, other than completely favourable, there were 27 and no cancellations.

Where applications not referred to police, 18; no cancellations.

Where applications granted to bring clubs under provincial control - Centre Road Veterans



I referred earlier to the fact that

during the year 1950 and 1951 subsequent, between

the number of the group, the number of

and Chief Mackey there were a total in the

province of 32 cancellations of which all 32

took place in the Metro area. Of the 30 cancellations

in the Metro area in the last 10 years,

in this period, 32 were in 1950 to the year 1951,

and the rest of the figures speak for

themselves.

in case of the cancellations

of the cancellations, and I would like to

read table 4 to complete the presentation of

the brief at this time.

"Analysis of cancellations of

"the group (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

"July 1st, 1950 and December 1st, 1951

"(1950 and 1951) were

"completely favorable and subsequent

"complaints and cancellations (see 1A, 1B, 1C)

That is the previous. There is the Grand Council

Club, Keno Club and Odean Club County Club.

for a total of three out of that group.

anyway, the group

favorable, there were 37 and no cancellations.

Where applications not referred to police.

18: no cancellations.

Where applications granted to bring class

under provincial control - Centre Road Veterans



J.Yaremko

9597

1 Association, Roseland Veterans Association.

2 Therewere three such issued, two were cancelled.

3 Where applications granted to replace
4 cancelled letters patent ^hwere conviction
5 quashed subsequently - Club Macedonia; one
6 issuance in that instance and one cancellation
7 in this group.

8 The total of 1,033 incorporations
9 leading to cancellations in respect of six.

10 All of which is respectfully submitted.

11 Parliament Buildings, Queen's Park,
12 Toronto, March 19th, 1962.

13 THE COMMISSIONER: Well, does that
14 complete Mr. Yaremko's attendance here for the
15 time being?

16 MR.WILSON: I think, Mr. Commissioner, yes,
17 until such date as you fix for the cross-
18 examination.

19 THE COMMISSIONER: Yes, that will be
20 several days hence.

21 Thank you, Mr. Yaremko.

22 Adjourned until tomorrow at ten o'clock.

23 MR.WILSON: Mr. Commissioner, the cross-
24 examination will proceed at ten o'clock tomorrow
25 morning?

26 THE COMMISSIONER: No, I said there will
27 be a delay of several days.

28 MR. WILSON: I thought you said to the
29 Registrar -----
30



1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808



1 THE COMMISSIONER: But you have other
2 witnesses for tomorrow?

3 MR. WILSON: No, I haven't.

4 THE COMMISSIONER: I am not going to waste
5 the next two or three days. I understood Mr.
6 Cudney, for example, was going to be here.

7 MR. WILSON: Mr. Cudney is, I believe,
8 if you want to have his evidence, but his evidence
9 will be along the lines of this brief. I could
10 have him available in the morning. I misunderstood
11 your thinking in that regard.

12 THE COMMISSIONER: No, I said it would be
13 several days before Mr. Yaremko would be brought
14 back here for cross-examination, but I certainly
15 understood that tomorrow we were going on with
16 Mr. Cudney.

17 MR. WILSON: I will have Mr. Cudney here
18 in the morning.

19 THE COMMISSIONER: That is what I said,
20 we would adjourn until ten o'clock tomorrow
21 morning.

22 MR. YAREMKO: Mr. Commissioner, before
23 you adjourn, may I just say a word, because
24 I have not spoken to Mr. Cudney but, as I
25 indicated in the outset in the presentation of
26 the brief, this brief was being prepared on
27 behalf of the Department. It covers a period
28 of eleven and a half years, and more in some
29 instances. Some of it is within my knowledge,
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THE COMMISSIONER: I am not going to waste
the next two or three days. I understood Mr.
Quincy, for example, was going to be here.
If you want to have his evidence, but his evidence
will be along the lines of this price. I could
have him available in the morning. I understand
very much in my mind.
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we would adjourn until ten o'clock tomorrow
morning.
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I have not spoken to Mr. Quincy yet, as I
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the price, this price was being prepared on
behalf of the Department. It covers a period
of eleven and a half years, and more in some
instances. Some of it is within my knowledge,



1 since the 26th of May, 1960, and I am in a
2 position to testify in reference to those matters.

3 THE COMMISSIONER: Mr. Gudney is in a
4 position to testify with respect to all the
5 years he has been there?

6 A. Yes.

7 Q. I understood.

8 A. Now, whether the questions directed
9 to him will be arising out of the brief or not,
10 I don't know how you intend to proceed.

11 THE COMMISSIONER: I don't know what Mr.
12 Wilson has in mind.

13
14 ---The hearing adjourned at 5:08 p.m.
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state the 25th of May, 1960, and I am in a position to testify in reference to those matters.

THE COMMISSIONER: Mr. Gurney is in a

position to testify with respect to all the

facts and circumstances.

A. Yes.

Q. I understand.

A. Now, whether the question directed

to him will be stating out of the trial or not,

I don't know how you intend to proceed.

THE COMMISSIONER: I don't know what Mr.

Atkins has in mind.

---The hearing adjourned at 2:08 p.m.



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